



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320751-24

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<b>Development</b>	Retention of conservatory and all ancillary works.
<b>Location</b>	Salthill Hotel, The Promenade, Salthill, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	2460191
<b>Applicant(s)</b>	Richard Byrne.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Richard Byrne.
<b>Observer(s)</b>	Kevin Joyce John Mullarkey Ardoon Management CLG Averil Staunton Mary O'Connor

**Date of Site Inspection**

31<sup>st</sup> January 2025.

**Inspector**

Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The existing hotel is located close to Galway Promenade at Salthill Co. Galway. The site is accessed for vehicles off the Rockbarton Road which is connected to the R336 – (Salthill Road Upper). Pedestrian access is directly onto a footpath on the R336. The hotel is set back on site with surface level car park and access underground car park to the front of the hotel.
- 1.2. The hotel building is a four storey building with penthouse, five storeys in total with a three storey extension to the rear. The area surrounding the site consists of residential development of varying densities. The closest residential development is to the immediate southwest of the site, consisting of an apartment complex, which was constructed in the 1990's. Further west abutting the grounds of the hotel is a large dwelling within its own grounds and the residential estate known as Seamount.
- 1.3. There are further residential dwellings located to the north of the site accessed off the Rockbarton Road and to the east of the site is the Circle of Life Commemorative Garden. The Galway Bay Hotel is located further east of the site.

## 2.0 Proposed Development

- 2.1. Permission for development which consists of RETENTION Planning permission for
  - new single storey glazed conservatory at 4.8m height and 132 sq.m, safety drain at the south elevation of the new conservatory,
  - outdoor seating limited to patio area at area of 167 sq.m ,
  - raised deck 34 sq.m. floor area to be used as planter with access for maintenance only,
  - New Fire escape stairs to facilitate escape from first floor bedrooms to place of safety, Hard and soft landscaping,
  - Existing 1.8m high palisade fence to be fitted with painted timber privacy screen to be fixed on top of existing R.C. retaining wall to prevent overlooking from escape route.
  - Guard rail to walkway and flat roof and all ancillary development.

## 3.0 Planning Authority Decision

### 3.1. The Planning Authority made a split decision with a decision to grant permission for retention of certain works while refusing permission for retention of other works.

The decision to grant covers the following works:

- Outdoor seating limited to patio area of 167sqm
- Raised deck area 34sqm floor area to retained for maintenance purposes only
- Hard and soft landscaping

The decision to refuse planning permission covers the following works:

- New single storey glazed conservatory at 4.8m in height and 132sqm
- Safety drain at south elevation of the new conservatory
- New fire escape stairs to facilitate escape from first floor bedrooms to place of safety
- Existing 1.8m high palisade fence to be fitted with painted timber privacy screen to be fixed on top of existing R.C. retaining wall to prevent overlooking from escape route.

### 3.2. The decision to refuse permission is based on three refusal reasons.

#### 3.2.1. Reason 1 –

The retention of the single storey glazed conservatory would undermine and be injurious to the residential amenities of the surrounding area, as the structure and the materials which have been used in its construction provide no mitigating factors with regards to the minimisation of noise disturbance from the function room, which the conservatory is directly linked to and services, in addition its layout and connectivity actively encourages patrons to exit the function room through the conservatory to use the terraced area. Therefore, the retention of the conservatory, if permitted, would be contrary to the Galway City Council Development Plan Section 9.8 and Policy 9.6 -2, as it would generate significant adverse noise impacts, adversely impacting upon the residential amenities of the surrounding area, depreciate the

value of residential properties by way of nuisance, generate adverse impact on adjacent rear communal gardens and bedrooms of residences by noise generated and hours of such activities, contrary to the proper planning and sustainable development of the area.

### 3.2.2. Reason 2

Having regard to the design, appearance, scale and location of the fencing and the fire escape stairs, by virtue of its impact on adjoining properties, if permitted, the scale and height of the fence would adversely impact upon the adjacent communal spaces of a residential development while the fire escape stairs would give rise to undue overlooking of adjoining properties, contrary to Galway City Development Plan 2023-2029, Section 11.3.1 (d) – Overlooking, and would thus, if permitted, detract from the residential amenity contrary to the proper planning and sustainable development of the area

### 3.2.3. Reason 3

The proposed development is located in close proximity to the Galway Bay Complex SAC and SPA (Inner Galway bay SPA). Effectively, based on information included with the planning application, likely significant effects on the conservation objectives of the Galway Bay Complex SAC and Inner Galway Bay SPA cannot be ruled out or screened out. Therefore, having regards to the scale, extent and specifications of the development, directly adjacent to a protected European Site, it is considered that the applicant has not demonstrated and satisfied the Planning Authority that the proposed development will not have a negative impact on the conservation and preservation of a European site.

## 3.3. Planning Authority Reports

3.3.1. There is a single Planning Authority Report on file. The planning authority report follows each aspect of the development for retention and offers an assessment and recommendation for each element.

- The report relies on previous planning application referred to the Board under local authority reference number 13/316 and condition no 2 specifically attached to that permission by An Bord Pleanála. Upon examination of the Inspectors report, Direction and Conditions attached that grant of permission

by ABP, it is noted that very specific care and consideration was given to the south and southwestern section of the hotel, the condition above clearly demonstrates that the terraced area along the southern boundary closest to the apartment block were not to be used by patrons, or for any hotel use

- Regarding the conservatory, the conservatory is accessed directly into a function room of the hotel, while it is also possible to access the southern hotel terraces from doorways in the conservatory, enabling direct access from the function room through the conservatory to the outdoor areas. While there are a number of openable windows inserted along the structure. With regards to the above, it is considered that the structure and the materials to which have been used provide no mitigating factor with regards to the minimisation of noise disturbance from the function room, which the conservatory clearly services, and by its layout and connectivity actively encourages patrons to exit the function room to use the terraced area, which has significant impacts upon the residential amenity of the surrounding area. It is noted that this terraced area was specifically not to be utilised by patrons in previous applications in order to preserve the residential amenity of adjacent residents. The applicant completely ignored previous decision by An Bord Pleanála with regards to access to these southern terraces and has in fact introduced a whole new structure which has multiplied negative impacts to adjacent residences, in this case it is considered that this element is not acceptable and should be refused.
- Regarding the patio area of 167sqm, it is not clear why the applicant seeks to retain this area as this area is specifically mentioned as a condition the previous grant of permission. This element will be acceptable subject to condition pertaining to the hours of operation.
- Regarding the raised decking area of 34sqm – it is not clear why the applicant is seeking retention permission for same as this area was specifically conditioned in a previous permission to be heavily planted. It is currently used as seating area, which is in direct breach of planning conditions and unauthorised use. The use of this aspect is unacceptable as a seating area.

- Regarding the new fire escape stairs to facilitate escape from first floor bedrooms and associated works, there is no rational as to why these stairs are located immediately adjacent to the boundary and not the building. The proposal will give rise to potential overlooking and loss of amenity for adjacent residential developments. The height and scale of the proposed fence area would also impact negatively on amenity of adjacent residential properties.
- It is noted that the site in question while built up is in close proximity to Galway Bay SAC and while this states that they consider that no appropriate assessment is required they have not submitted any screening assessment of this development, no qualification of the person who prepared this statement has been submitted, overall this is not a screening assessment for appropriate assessment and is solely a statement with no assessment or report to demonstrate why this statement has been reached, in this case this element is inadequate. Effectively, on the basis of information included with the planning application, likely significant effects on the conservation objectives of the Galway Bay Complex SAC and Inner Galway Bay SPA cannot be ruled out or screened out.
- A split decision was issued by the local authority, recommending refusal for conservatory and fire escape stairs and grant of permission for retention of decking area, and patio area.

### 3.3.2. Other Technical Reports

- None

### 3.4. Prescribed Bodies

- None

### 3.5. Third Party Observations

There are 6 observations on file, the issues raised are also raised by observers to this appeal. The issues can be summarised as follows:

- The conservatory is located in close proximity to the adjacent apartments and overlooks those units as it is positioned at a higher level,
- The conservatory is used for functions with music and noise being generated adversely impacting upon the residential amenities of residents in the vicinity,
- The area outside has been altered and provides seating allowing noise nuisance to be generated and should only be used as an access path to the leisure centre as permitted by ABP,
- The applicants never complied with the requirements of a previous ABP decision,
- The area is used for functions generating noise while covered canopy areas are used also by patrons for smoking and generate noise.
- The materials of the conservatory do not mitigate any noise generation,
- The conservatory and use of the outdoor terrace has increased light pollution of the area,
- A coffee truck and seating block emergency access points,
- A covered stairs to the basement car parking is not indicated on the plans submitted,
- There are inconsistencies on the drawings submitted,
- Concern with regards to potential construction within the body of the hotel which may have required planning permission

## 4.0 Planning History

- 4.1.1. PA reg ref 15/176: Granted permission for alterations to front elevation to include removal and replacement of revolving door with a glazed screen and two additional escape doors
- 4.1.2. PA reg ref 13/316: Appealed to ABP 242938 Granted permission for
- 1) Retain alterations and additional parking spaces to parking provisions at the hotel to omit the use of 'double stacked parking' (being an alteration of condition No.3 of planning permission 10/219).

(2) Retain raised deck on front terrace as a landscaped area (being an alteration of condition No. 5 of planning permission 10/219).

(3) Retain patio area to front of hotel for usage of tables and chairs (being an alteration of condition No. 7 of planning permission 10/219).

4.1.3. PA reg ref 13/177: Refused Permission to

1) retain alterations and additional parking spaces to parking provisions at the hotel to omit the use of 'double stacked parking' (being an alteration to condition 3 of planning permission 10/219).

2) Retention of a raised deck on terrace/patio area to front of hotel (being an alteration of condition no. 5 of planning permission 10/219). Retention of patio area at front of hotel for tables and chairs (being an alteration of condition 7 of planning permission 10/219).

Granted under appeal to ABP 61. 242938 subject to conditions.

4.1.4. PA reg ref 13/28: Granted permission to retain signage.

4.1.5. PA reg ref 10/219: Granted Permission to retain the following works:

1. Fire Escape stairs from first floor level to ground level at service yard area to comply with fire regulations,
2. First floor amenity / aerobics / gym area over changing rooms in leisure centre,
3. Revision of site boundaries to include additional site area to service yard area,
4. Alterations to previously approved elevations,
5. Extension to ground floor restaurant area, 6.

Alterations to layout of basement car park & plant/storage area,

7. Alterations to internal layout to ground floor plan to include modifications to reception, bar, restaurant and kitchen areas, and permission for the following:

8. Relocated pedestrian access / exit between Lower Salthill Road and existing car park (previously granted under PI. Ref. 05/418), 9. Revised landscape / parking arrangement to front of hotel.

There are older planning files relating to alterations and extensions to the development, however these are not considered relevant to the appeal.

## **5.0 Policy Context**

### **5.1. Galway City Development Plan 2023 to 2029**

#### **5.1.1. Section 9.8 Noise**

Galway City Council, through the planning system, will aim to minimise the adverse impacts of noise by controlling and segregating noise intensive developments away from sensitive areas and requiring appropriate mitigation. Where it is considered that a proposed development is likely to create disturbance due to noise, conditions will be placed on new developments and uses to mitigate noise impact, to limit the hours of operation and to control the level of noise generated. Within the busy city environment, there are areas which can provide respite from the high level of urban noise. Quiet areas, which are areas which have lower sound levels, can be important places for rest and quiet contemplation in the city's environment and can have a positive impact on quality of life and wellbeing. Within green spaces, it can allow for enjoyment of surrounding nature and offer a sense of tranquillity. In this regard the Council will consider initiatives to provide for quiet areas in the city.

#### **5.1.2. Policy 9.6 Air Quality and Noise**

1. Maintain air quality to a satisfactory standard by regulating and monitoring atmospheric emissions in accordance with EU policy directives on air quality and Ambient Air Quality and Cleaner Air for Europe (CAFÉ) Directive (2008/50/EC) by promoting and supporting initiatives to reduce air pollution and by increasing the use of sustainable transport modes and developing urban woodlands, encouraging tree planting, conserving and creating green open space.
2. Ensure the design of development incorporates measures to minimise noise levels in their design and reduce the emission and intrusion of any noise or

vibration which might adversely impact on amenities, in particular residential amenities where appropriate.

3. Consider the details of Galway City Council Noise Action Plan 2019-2023 in the assessment and design of relevant development applications in the interests of protecting future amenity.
4. Implement environmental noise mitigation measures as outlined in Galway City Council Noise Action Plan 2019-2023.

## 5.2. Natural Heritage Designations

Galway Bay Complex SAC – 35m south of subject site

Inner Galway Bay SPA – 35m south of subject site

## 5.3. EIA Screening

The current application before the Board does not constitute a class of development for which EIAR is required.

## 6.0 The Appeal

### 6.1. **This is a first party appeal against the Decision of Galway City Council to issue a split decision. The Grounds of Appeal relate solely to the decision to refuse retention of conservatory and fire escape stairs.**

#### 6.1.1. Refusal Reason 1

- The suggestion of the planning authority is incorrect to suggest that the addition of the conservatory area would increase noise levels from the function room. The internal wall of the function room is still in place, it is impossible for the addition of the conservatory to increase noise levels from the function room. The original south facing external wall (now internalised) is a glazed wall, which offers very little mitigation.
- There has always been a door leading from the function room to the conservatory area and patio beyond. It appears this was constructed under

10/219 application; the door was in a different location previously namely onto west facing wall. The conservatory offers additional noise mitigation from what was previously the situation on site, as less noise can filter to the outside area with the additional glazing.

- The conservatory does not actively encourage patrons to exit the function room to use the terraced area. Under the existing planning permission such an exit does already exist. This can be seen from ground floor plans of previous planning permissions 05/418, 06/75 and 10/219. The exit doors changed to current location under 10/219 application.
- Regarding condition imposed by An Bord Pleanála under 13/316 application, the applicant has no objection to the retention of this condition. The conditions states that *“access to the western section of the paved area in front of the hotel shall be restricted to use as pedestrian access to the leisure centre only and not be used as an outdoor amenity area associated with the bar, restaurant or function room”* The presence of the conservatory does not change access from the function room to the outdoor areas. Access has been present since original grant of permission approx. 20 years ago. The condition imposed by the board restricts the use of these access doors, the conservatory does not alter in any way the situation that was already present before it was constructed.
- The function room was granted permission under planning reference 10/219, the conservatory forms an extension to the function room. There was always access doors leading to the patio area. The numbers of patrons that may use access doors would not increase as a result of the conservatory. The applicant is willing to accept a condition that the access doors remain closed during all functions and evening time.

#### 6.1.2. Refusal Reason 2

- The second reason for refusal relates to fire escape stairs. The applicant sets out that the design and location of the fire escape stairs are a necessary consequence of compliance with fire safety regulations for bedroom accommodation in the hotel. The design of fire escape is to allow for ease of access of patrons in the event of emergency. The path of escape is to allow

for patrons to escape at ground floor level and first floor level at the same time. The fire escape will not give rise to overlooking as it can only be used during an emergency. Patrons cannot climb the stairs from the bottom as there is a gated mechanism in place. A fire engineers report has been provided with the appeal that provides a rationale for the design.

#### 6.1.3. Refusal reason 3

- The applicant has submitted An Appropriate Assessment Screening report that concludes the development would not be likely to have significant effects on any European SAC.

#### 6.2. Planning Authority Response

- None

#### 6.3. Observations

There are 5 observations on file. Each issue raised by the appellants shall be grouped under relevant headings and summarised here.

##### 6.3.1. History of Unauthorised Development on site:

- The hotel has a long history of unauthorised development. The applicant makes reference to previous planning permissions

##### 6.3.2. Increased noise levels

- The levels of noise on site, has increased significantly as a result of the use of the new conservatory. The conservatory is advertised as an extension to the function room and is used for weddings and other functions on a regular basis
- Any conditions imposed on Salthill Hotel regarding noise or use of access doors will not be adhered to by the applicant. The Salthill Hotel has a very long history of ignoring planning conditions.
- The construction of the conservatory has resulted in the noise nuisance being moved much closer to adjacent residents. The internal doors between conservatory and function room are open, so there is no increased buffer as indicated by the applicant, noise disturbance is emitted into conservatory

space. The applicant's statements are disingenuous with regard to noise disturbance.

- The applicant is incorrect in stating that the area is not actively encouraged for outside use. The doors to the outside area are open regularly for functions in particular weddings. The outside area where the conservatory was constructed was to consist of robust planting, this has not occurred.; The area leads to a raised seating area, which was never to have seating as per previous planning conditions.
- Issues are drawn with respect to the acoustic report as submitted by the applicant, the hotel and report continues to ignore the issue of noise nuisance generated from the use of the conservatory itself and appears to focus on the conservatory being a noise control measure for the Aran Suite.

#### 6.3.3. Planning History and Previous An Bord Pleanála Decision

- The applicant is correct that there was already a door leading to the terraced area from the south side of the building. The previous grant of planning permission by An Bord Pleanála attached to planning 13/316 required the area in front of the now conservatory to be comprehensively planted and not to be used as seating area. The area was to be only used as a walkway to connect the hotel and leisure centre. This area is used as an extension of venue space and is actively encouraged as such.
- The applicant has breached the condition, in that they have built the conservatory on the area that was supposed to be planted. There is no permission to use any area other than access to the leisure centre and for robust planting.
- The appellant has provided images of the terraced area being used by the hotel as an extension to the venue for entertainment purposes.
- The applicant has repeatedly ignored this condition as set out by An Bord Pleanála.

#### 6.3.4. Fire escape

- There was an existing fire escape in situ that was in compliance with fire regulations. There is still no justification as to why this fire escape has been constructed in such a manner and so close to neighbouring boundaries.
- The new fire escape result in overlooking of properties and loss of residential amenity.
- There is also increased noise pollution from this area as the area under the fire escape is often used as a shelter for smokers who use the hotel. This area is used for more than a fire escape service area or a walkway, but is used as an area to actively congregate.
- The new walkway is constructed on neighbouring boundary wall.

#### 6.4. **Further Responses**

- None

### 7.0 **Assessment**

Having regard to the first party appeal against the decision to refuse for the conservatory and escape stairs and having regard to the nature of the observations on file, I consider that the assessment can be limited to the main issues raised in the appeal and the reasons for refusal as cited by Galway City Council. I consider the main issues in relation to this appeal are as follows:

- Conservatory
- Fire Escape
- Other Matters
- Appropriate Assessment

#### 7.1. Conservatory

- 7.1.1. The applicant seeks retention permission for a conservatory constructed at the southern side of the existing Arran Suite function room in Salthill, Galway City. The structure, measuring 132sqm with a glazed finish and roof, extends to a height of

4.8m. The planning authority and objectors have raised concerns regarding the impact of this development on residential amenity, particularly in relation to noise disturbance and the contravention of previous planning conditions.

7.1.2. The applicant refers to previous planning permissions (05/418, 06/75, and 10/219), which included an existing exit door to the patio/terrace area. Under Planning Reference 10/219, the doorway was relocated to its current position. Notably, under Planning Reference 13/177 (ABP Ref: 61.242938), An Bord Pleanála and the Inspector determined that the area west of the main entrance should be used solely as a walkway to the leisure centre, excluding any outdoor seating or gathering activity. A condition was imposed requiring the western section of the terrace to be landscaped with robust planting, ensuring restricted pedestrian access to the leisure centre. This condition was not implemented by the applicant. Instead, the conservatory has been erected in the designated walkway area, with access doors leading to the adjacent patio area. The applicant has stated that the erection of the conservatory does not impact upon residents as it acts as a buffer between the function room and residential development. In my view the erection of the conservatory at this location contravenes previous conditions attached to planning permissions and does not address the previous concerns of Galway City Council, An Bord Pleanála or local residents.

7.1.3. The applicant states that the conservatory will not be used as a function room or part of the existing function room, rather a standalone amenity space for hotel guests. However there is only a single internal access to the conservatory through the function room of the hotel. Therefore, I consider the conservatory functions as an extension of the function room rather than as a standalone space. The applicant has provided an acoustic report outlining proposed noise mitigation measures, including:

- High-specification glazing;
- Mechanical ventilation ducted to the hotel's basement, reducing the need to open doors;
- A noise management plan restricting door usage at sensitive times;
- An audio-limiting device linked to emergency doors to control amplified music levels.

- 7.1.4. Its stated these mitigation measures are two fold in that the glazing specification reduces noise levels from the function room from that of the original wall and fenestration and also the mechanical ducting reduces the need to open the doors for ventilation. I note submissions on file in this regard, and all of the submissions indicate an increase in noise as a result of the conservatory and a decline in residential amenity as a result.
- 7.1.5. Noise contour modelling estimates a reduction in entertainment noise at nearby residential properties by 38-50 dB. The acoustic report categorises this reduction as “very substantial” under the Institute of Environmental Management and Assessment Guidelines (2014). However, no noise survey was conducted to assess actual noise levels during an event such as a wedding or large gathering. Given that this is a retention application, the absence of measured on-site noise data is a significant omission. The noise modelling tool is a predictive tool based on theoretical inputs providing a general assessment of how noise propagates across an area. A noise survey is based on actual noise levels at different times and locations, capturing real conditions including background noise and fluctuations. Particularly in this case where the conservatory is already built and in use , the absence of a noise survey means there is no empirical verification of the predicted reductions in noise from the modelling.
- 7.1.6. Furthermore, the effectiveness of the proposed mitigation measures is contingent on strict adherence to the noise management plan, particularly the requirement for doors to remain closed at sensitive times. Enforcing such conditions is inherently difficult, requiring ongoing monitoring and complaint-driven enforcement. Photographic evidence and submissions indicate active use of the conservatory and adjacent terrace for guest receptions and social gatherings, intensifying activity in an area previously designated for restricted access. This effectively shifts the focal point of noise-generating activities further west, contrary to established planning conditions.
- 7.1.7. The retention of the conservatory contravenes Condition 2 of Planning Permission APB ref no 61.242938:

- Condition 2(d): Requires the western terrace to be redesigned as a pedestrian pathway with extensive planting, replacing hard surfaces. The conservatory's construction has ignored this requirement.
- Condition 2(e) Restricts access to this area to pedestrian movement to the leisure centre only, prohibiting outdoor amenity use for the bar, restaurant, or function room. The conservatory's use for wedding receptions and social events directly conflicts with this condition, bringing increased noise and disturbance closer to residents.

While I note the presence of a doorway on the original building, which also lead to the terraced area, I consider that the addition of the conservatory at this location actively encourages outdoor usage and increases activity generally in the area. The previous conditions of the planning authority and An Bord Pleanála was an attempt to protect against these disturbances.

7.1.8. Section 9.8 of the Galway City Development Plan outlines policies to minimise noise impacts on residential areas. It emphasises that developments must demonstrate effective noise mitigation measures that protect residential amenity. Given the lack of measured on-site noise assessment in the applicant's submission, the proposed retention does not align with the objectives of Section 9.8, which seeks to prevent undue noise disturbance through proactive planning measures. The applicant has not satisfactorily demonstrated that effective mitigation measures can be implemented to address concerns over noise and activity in the conservatory. The observers on file have all made reference to increased noise levels as a result of the construction of the conservatory. The reliance on a noise management plan to control door usage is impractical and unenforceable, necessitating ongoing monitoring and reactive enforcement measures.

7.1.9. Given the established planning conditions, the extent of the contraventions, and the potential for continued nuisance, I consider that the retention of the conservatory is unacceptable and detrimental to the amenity of neighbouring residential properties. Furthermore, the lack of a measured on-site noise survey during actual events undermines the reliability of the submitted acoustic report. The proposal fails to comply with Section 9.8 of the Galway City Development Plan regarding noise mitigation and residential amenity protection.

I therefore recommend that retention permission for the conservatory be refused.

## 7.2. Fire Escape

7.2.1. A new fire escape has been constructed onto the western elevation of the hotel. The fire escape stairs extends out of the hotel to the western wall from a flat roof, over the entrance of the existing leisure centre hotel and runs along the western boundary wall. The structure is an elevated concrete platform and stairs running along the length of a section of the western boundary. The planning authority considered that this fire escape has an undue impact on amenity of neighbouring properties and will result in overlooking. It also stated that there is no rationale provided for the construction of the fire escape in such a manner. The observers on file state that the fire escape location is unnecessarily close to neighbouring boundary and results in overlooking and loss of amenity. The applicant has provided a fire engineers report as part of the appeal to provide a rationale for the design of the escape stairs.

7.2.2. The fire engineers report states the following:

The new external escape stairway is a vital part of the escape strategy for the hotel. One of the original and internal fire escape stairways serving the upper bedroom floors leads out onto a small external deck area at first floor level on the west side of the building. The new external stairs leads as the only means of escape from that deck area to a place of safety below at ground floor level and towards the front of the building. The location of the elevated escape route and stairs ensures separation from the hotel and leisure centre exit doors. Access is prevented by a one way-only gate at the bottom of the stairs. The new stairs cannot be used as an accommodation stair by the hotel or leisure centre.

Having regard to the above, I consider the justification provided by the applicant in this instance to be acceptable. The stairs are to be used in case of emergency and the design is a two fold safety measure to avoid the congregation of patrons at ground level during an emergency to allow for ease of escape to the front of the hotel and also an effective escape route from the first floor of the hotel. The primary concerns of the planning authority and observers are with regard to potential overlooking from this stairs. Noting the presence of an existing mature boundary, I also note the presence of a 1.8m high palisade fence that provides additional

screening on top of the existing retaining wall. The applicant proposes to provide a timber screen onto this palisade fence to provide additional screening.

Further concerns of observers on file relate to potential congregation of people underneath the fire escape stairs. Although the hotel has animated this area with a mural and some potted planting, I note it is free from seating. I consider there are more attractive spaces for congregation for staff and residents of the hotel . In my view, I consider the applicant has adequately justified the fire escape design, and I consider a condition limiting use of the stairs as a means of escape to be appropriate in this instance.

In this regard, I do not consider the issue of the fire escape to be a substantive issue with which to refuse permission in this instance.

### 7.3. Other Matters

#### 7.3.1. Boundaries.

Observers on file have raised concerns regarding site boundaries and the provision of timber screen fencing onto existing palisade fencing. It is stated on file the erection of existing fencing has been carried out by neighbouring properties for security purposes. The applicant has no consent to provide timber screening onto existing fence. No evidence has been provided by any party with regard to ownership of the boundary. The applicant states that the fence was erected by neighbouring properties and the screen fencing is just an attempt at additional privacy for neighbouring properties. Although I consider it appropriate the applicant should provide a timber screen fencing onto this palisade fence, I will refer the Board to Section 34 (13) of the Planning and Development Act states 'a person shall not be entitled solely by reason of a permission under this section to carry out any development.'

In any case, I do consider that the erection of additional screening is appropriate for the escape stairs. In the interests of clarity, I consider it appropriate to recommend a condition, seeking the erection of screen fencing to a height of 1.8m and to be wholly within the applicants own red line boundary.

## 8.0 AA Screening

8.1.1. I have considered the proposed development for the retention of conservatory and fire escape to existing hotel campus in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

An Appropriate Assessment screening report was submitted with the application.

8.1.2. A detailed description is presented in Section 1 of my report. In summary, the proposed development site is a brownfield site on zoned land within the City Boundary of Galway City. The site is bounded to the north and west by residential development to the east by a public road and memorial public garden and south by public road and Salthill Promenade. The development will comprise the retention of conservatory and fire escape stairs. All surface water management on site is existing with no changes proposed as a result of the retention application.

8.1.3. There are no watercourse on site and the nearest water body is the Galway Bay Complex SAC is 35m from the development site to the south . There are no other ecological features of note on site or in the vicinity of the site that would connect it directly to European Sites in the wider area. It is considered the site does not provide significant supporting habitat for any bird species protected under the legislation.

### **European Sites**

The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located within 35m of the potential development site.

Galway Bay Complex SAC [000268]

Inner Galway Bay SPA [004031]

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Galway Bay Complex SAC and Inner Galway Bay SPA

European Site	Qualifying Interests (summary)	Distance	Connections
Galway Bay Complex SAC	<p><b>Habitats</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons* [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony Banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs* [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) [6210]</p>	35m to the South	Brownfield site no direct effects. Surface Water managed on site

	<p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p><b>Species:</b></p> <p>Otter (<i>Lutra lutra</i>) [1355]</p> <p>Harbour Seal (<i>Phoca vitulina</i>) [1365]</p>		
<p>Inner Galway Bay SPA [004031]</p>	<p>Black-throated Diver (<i>Gavia arctica</i>) [A002]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p>	<p>35m to the south</p>	<p>Brownfield site no direct effects. Surface water managed on site.</p>

	Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Sandwich Tern ( <i>Sterna  sandvicensis</i> ) [A191] Common Tern ( <i>Sterna hirundo</i> ) [A193] Wetland and Waterbirds [A999]		
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#### 8.1.4. Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal on zoned land within Galway City and the relevant scale of construction impacts I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. In my view the development is not likely to have significant negative impacts on any European site.

The development for retention would not have direct impacts on any European site. There is no surface water body on site and there are intervening land uses between the site and European Sites in the form of public road and Salthill promenade.

The contained nature of the site and distance from receiving features and intervening land uses connected to Galway Bay Complex SAC and Inner Galway Complex SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

#### 8.1.5. **Likely significant effects on the European sites in view of the conservation objectives**

The operation of the proposed development will not result in impacts that could affect the conservation objectives of any SAC or SPA. Due to distance, intervening land uses and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species during operation of the development.

#### 8.1.6. **In combination effects**

The development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

#### 8.1.7. **Overall Conclusion**

##### **Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Galway Bay Complex SAC or Inner Galway Bay SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relative scale of the development within the existing hotel campus and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds

## 9.0 Recommendation

I recommend a split decision as follows:

9.1. I recommend that a split decision should be made, as follows:

A refusal is recommended for the retention of the following:

- (1) Retention permission for new single storey glazed conservatory at 4.8m height and 132 sq.m, and safety drain at the south elevation of the new conservatory, based on the reasons and considerations marked (1).
- (2) Grant retention permission for the new fire escape stairs to facilitate escape from first floor bedrooms to place of safety and screen fencing to the western site boundary based on the reasons and considerations marked (2) under and subject to the conditions set out below (section 10),

### 9.2. Reasons and Considerations (1)

The retention of the single storey glazed conservatory would undermine and be injurious to the residential amenities of the surrounding area, as the location of the structure in close proximity to existing residential development which extends the operation of the function room closer to existing residential properties, in addition to its layout and connectivity actively encourages patrons to exit the function room through the conservatory to use the terraced area. Therefore, the retention of the conservatory, if permitted, would be contrary to the Galway City Council Development Plan Section 9.8, as it would generate significant adverse noise impacts, adversely impacting upon the residential amenities of the surrounding area, generate adverse impact on adjacent rear communal gardens and bedrooms of residences by noise generated and hours of such activities, contrary to the proper planning and sustainable development of the area.

### 9.3. **Reasons and Considerations (2)**

It is considered that, subject to compliance with the conditions set out below, the proposed retention of fire escape stairs and painted timber privacy screen fence would not have a material impact on amenity of neighboring dwellings. It is considered the fire escape to be used in emergency situations only is a necessary intervention to ensure safe passage of all personal from the hotel building. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 10.0 **Conditions**

1. The development to be retained comprising the fire escape and erection of painted timber privacy screen at the western site boundary shall accord with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The fire escape stairs shall be used in case of emergency only. Within 3 months of grant of this permission the applicant shall submit photographic detail for the written agreement of the planning authority indicating one way-only gate at the bottom of the stairs.

b) A painted timber privacy screen shall be erected to a height of 1.8m along the western boundary of the site where the escape stairs runs adjacent to the boundary. All works shall be within the applicants own redline boundary. Full details of proposed privacy screen fencing shall be submitted for the written approval of the planning authority within 3 months of grant of this permission.

Reason: In the interest of clarity

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Darragh Ryan  
Planning Inspector

31<sup>st</sup> of March 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	320751-24		
<b>Proposed Development Summary</b>	Retention of fire escape stairs and retention of a conservatory		
<b>Development Address</b>	Salthill Hotel, Salthill Promenade Galway City		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>		
	<b>No</b>	X	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	X		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>			

**4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?**

Yes			
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**5. Has Schedule 7A information been submitted?**

No		
Yes		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

