

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Galway City

Planning Register Reference Number: 1777

An Bord Pleanála Reference Number: PL 61.248276

APPEAL by Helena Francis on behalf of Bushy Park Parishioners' Group of Circular Road, Upper Dangan, Galway against the decision made on the 9th day of March, 2017 by Galway City Council to grant subject to conditions a permission to Saint James' Parish Council care of Sean Dockry and Associates of Second Floor, Corbett House, Shoemaker Lane, Edward Square, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) The construction of (a) a pastoral centre (77 square metres), (b) an effluent treatment plant and percolation area, (c) external works consisting of replacing front brick piers and rails with stonework planters, car park layout revisions and a public notice board sign, external lighting all within the curtilage of the protected structure, St. James's Church (Galway City Council reference number RPS 1051) and cemetery (Galway City Council reference number RPS 1052); (2) alterations to the Church including (a) new porch with disabled access at reinstated opening North transept, (b) new stained glass windows, (c) new drainage; (3) restoration/renovation to the Church including (a) replacing synthetic slates South transept roof, (b) replacing windows in nave, transepts and sacristy, (c) replacing lintels in tower, (d) replacement of rain water goods, (e) replacing of services, (f) replacing or alterations to suspended floor, (g) removal of dry-lining and introduction of heating system; and (4) conservation/repairs including (a) repairs to roof, walls (internal and external), ceiling, joinery and finishes at St. James' Church and Cemetery, Ballagh Townland, Bushpark

Protected Structure (Galway City Council reference numbers RPS 1051 and 1052), 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

Having regard to the Objective CF (Community, Cultural and Institutional) zoning objective for the site as set out in the Galway City Development Plan 2017-2023, to the planning history of the site, to the design and scale of the proposed pastoral centre and its location within the site and relationship to the protected structure, and to the proposed use of the facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not adversely affect the setting of the protected structures on site, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. The plain glazing to the windows of the church shall be retained. Proposals for the repair or replacement of the existing windows incorporating the plain glazing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the character of this protected structure.

3. Stone to be used in the front boundary wall shall match existing stone in this feature. Details of the proposed stone shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

4. The areas of fortcrete proposed in the elevations of the pastoral centre shall be replaced with render. Details of all other external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

5. 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. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include *prunus* species],
 - (ii) details of screen planting which shall not include *cupressocyparis x leylandii*,
 - (iii) details of roadside/street planting which shall not include *prunus* species,
 - (iv) hard landscaping works, specifying surfacing materials and finished levels;
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment; and
- (c) A timescale for implementation.

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 5 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. A tree survey shall be carried out by an arborist or landscape architect of all on-site trees which shall provide the baseline information for the landscaping scheme required by condition number 5 of this order. This tree survey, which shall be submitted to the planning authority prior to commencement of development, shall include the following:

- (a) a plan to scale of not less than 1:500 showing –
 - (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter exceeding 75 centimetres, when measured at a point 1.5 metres above ground level,
 - (ii) the crown spread of each tree, and
 - (iii) trees proposed for retention;
- (b) a separate document detailing the following information in respect of each numbered tree –
 - (i) common and scientific name of the species and variety,
 - (ii) diameter, measured in accordance with paragraph (a) above,
 - (iii) approximate height,
 - (iv) crown spread,
 - (v) condition, including a general statement of health and stability,
 - (vi) whether it is to be preserved or felled,
 - (vii) in respect of each tree proposed to be felled, the reason for felling;
- (c) details of any proposed alterations in existing ground levels throughout the site and of the position of any proposed excavation within the crown spread of any retained tree; and
- (d) details of the measures proposed for the protection from damage before and during the course of construction of each retained tree.

In this condition, “retained tree” means an existing tree which it is proposed to preserve under paragraph (b)(vi) above. The minimum protection measures are set out in condition number 7 of this order.

Reason: To facilitate the identification and subsequent protection of existing trees on the site, which represent an important amenity and should be substantially maintained.

7. Prior to the commencement of development, adequate tree protection measures for trees to be retained on the site shall be implemented. Details in relation to the proposed measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. The proposed effluent treatment plant and percolation area shall be located, constructed and maintained in accordance with the details submitted to the planning authority. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

9. 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.

10. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum

interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 11. 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 interest of public safety and residential amenity.

- 12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
- (ii) the impact of the proposed development on such archaeological material, and
- (iii) monitoring of the backfilling of the trial and percolation test holes excavated on site.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Dated this day of 2017.