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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 16/28**

**Appeal** by William Dwyer of 90 Seacrest, Knocknacarra, Galway and by Highgate Properties Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 31<sup>st</sup> day of May, 2017 by Galway City Council to grant subject to conditions a permission to the said Highgate Properties Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of eight number two storey detached dwellings and all associated works including landscaping, provision of greenway and new entrance. The application also includes the alteration of the adjacent boundary of the existing dwelling house to the west of the site on Barna Road, all at Barna Road, Knocknacarra, Galway, as amended by the further public notices received by the planning authority on the 26<sup>th</sup> day of October, 2016 and the 15<sup>th</sup> day of March, 2017.

**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 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and to the Design Manual for Urban Roads and Streets, and having regard to the residential zoning (R) of the site, the policies and objectives of the Galway City Development Plan 2017-2023 and the pattern of development in the area, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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 further plans and particulars submitted to the planning authority on the 14th day of October 2016, the 1st day of March, 2017 and the 4th day of May 2017, 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission relates to the eleven number dwellings as proposed in the plans and particulars submitted to the planning authority on the 1st day of March 2017, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity, as it is considered that this is the minimum density of development allowable on this site, and that a lower density of development, as originally proposed as part of the application, would conflict with national policy.

3. The proposed development shall be amended as follows: -
- (a) House numbers 5 and 6 (House type 4(a)) shall be omitted and replaced with House type 4, with the two houses concerned moved forward, in an easterly direction, by a minimum of three metres in each case from their proposed locations, so as to be similar to the front building lines of houses numbers 7 and 8 to the north.
  - (b) The cul-de-sac to the north of house number 9 shall be omitted and the resultant space shall be included within the curtilage of house number 9 as additional private garden area.
  - (c) All staircase/landing windows, and all windows serving bathrooms, w.c.'s and en-suites shall be provided with opaque or frosted glazing, which shall be permanently maintained.
  - (d) The eastern wall boundary of house site number 11 shall not exceed a height of 1.2 metres along its full length.
  - (e) All rear gardens shall be provided throughout with dividing boundary walls of concrete block construction, not less than 1.8 metres in height, which shall be rendered on both sides and capped. The proposed concrete post and timber rail fencing (Type 03) shall not be used.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity, and to ensure the provision of adequate rear gardens, and of durable boundary treatment.

4. The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the houses hereby permitted are made available for occupation. The open spaces shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5. Prior to commencement of development, the applicant shall submit confirmation that land required for the provision of sightlines (as indicated in the lodged documentation) which shall be reserved free from development, for the written approval of the planning authority.

**Reason:** In order to ensure the provision of sightlines in the interest of pedestrian and traffic safety.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

This scheme shall include the following: -

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for greenway, footpaths, kerbing and road surfaces within the development;
- (b) inclusion of a tree survey which shall include the retention of the mature boundary along the west of the site, where appropriate with supplemented by semi-mature replacement planting, and proposed locations of trees and other landscape planting in the development, including details of proposed species and settings (Prunus species shall not be used);
- (c) details of proposed street furniture, including picnic area, bollards, and seating;
- (d) provision of a two metre high block wall along the north east of the greenway (minimum of 77 metres from the north of the site) and details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes; and
- (e) inclusion of a temporary gate at the northern entrance/ exist onto the greenway and restriction of any barriers to the southern entrance/exit onto the greenway.

The boundary treatment, landscaping and greenway shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

8. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be blue-black or slate grey only (including ridge tiles).

**Reason:** In the interest of visual amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along the entire length of the proposed greenway, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house. The lighting along the greenway shall be cowled so as to ensure that there is no light overspill onto adjoining residential property to the east.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

11. The development hereby permitted shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

**Reason:** In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

12. The construction of the development shall be managed in accordance with a detailed 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 phasing, noise management measures, and off-site disposal of construction/demolition waste.

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

13. Water supply and drainage arrangements, including the attenuation and 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.

14. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.



16. 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 and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development until taken in charge.

17. 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.

