



An  
Bord  
Pleanála

## Board Order PL 61.248815

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### Planning and Development Acts 2000 to 2017

### Planning Authority: Galway City Council

### Planning Register Reference Number: 16/332

**Appeal** by Gerry and Marie Murray of Monivea Road (Opposite Eir), Galway and by others against the decision made on the 9<sup>th</sup> day of June, 2017 by Galway City Council to grant subject to conditions a permission to Green Way Estates (Sligo) Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention permission is sought for the demolition of 4,243 square metres of disused glasshouses and permission is sought for the demolition of a habitable house (266 square metres), four disused sheds (totalling 714.5 square metres), a glasshouse (92.7 square metres) and the habitable house known as Ballybane House (194 square metres). Permission is further sought for the construction of 52 number houses (four number five-bedroom two and a half storey houses; 22 number four-bedroom two-storey houses; 16 number three-bedroom two and a half storey houses; five number three-bedroom two-storey houses and five number two-bedroom two-storey houses); 80 number parking spaces to serve the residential units; public open space to serve the residential units; a commercial building of 2,786 square metres gross floor area incorporating 205 square metres retail space, 266 square metres medical practice space, 225 square metres dental practice space and 2,070 square metres office space; 52 number parking spaces to serve the commercial building; public open space to serve the commercial building; closure of three existing vehicular entrances to the site from Monivea Road and

creation of a new main entrance to the site from Monivea Road and one shared entrance for two number houses fronting Monivea Road; an internal circulation network for motor vehicles, bicycles and pedestrians; connection to the public water, wastewater and drainage network; an ESB substation to serve the development and associated landscape and site works at the former Heneghans Nurseries, Ballybane House and Rosapenna, Monivea Road, 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 location in a serviced area within the city to the east of the city centre, close to strategic transport routes, and to the zoning objectives for the site in the Galway City Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the development for which retention of planning permission and planning permission is sought would be acceptable in terms of nature and intensity of development, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of residential properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 16th day of May, 2017, except as may otherwise to 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 the 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 applicant shall provide for and adhere to the following requirements prior to the commencement of the development:
  - (a) The applicant shall agree in writing the planning authority full details of the proposed arrangements for boundary treatment for the entire development to include details of existing boundary treatment to be retained or removed and proposals for supplementary or new boundary treatment. Screen walls to a height of 1.8 metres, fully capped and rendered shall be erected on boundaries adjoining residential properties unless existing boundary treatment is to be retained. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.
  - (b) Where existing boundary walls are being retained, the structural integrity of these walls shall be certified by a suitably qualified professional and details of same shall be provided to the planning authority.

- (c) A structural stability study of the party wall adjoining the property at number 32 Monivea Road shall be carried out by a competent person at the applicant's own expense to the satisfaction of the planning authority.

**Reason:** In the interest of clarity, orderly development and the protection of the residential amenities of the adjoining property.

- 3. No advertisement or advertisement structure shall be erected or displayed on the commercial building or car park in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

- 4. A traffic management plan for the demolition and construction phase of the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development. This plan shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

**Reason:** In the interest of clarity, public health and safety, orderly development and the protection of the residential amenities of the adjoining properties.

5. The internal shared surface circulation routes, car parks and roadside parking spaces and footpaths and kerbs shall be fully completed prior to the occupation of the residential units and commercial building. These works shall be in accordance with the standards set out in the Design Manual for Urban Roads and Streets (2013) and be designed to taking in charge standards.

**Reason:** In the interest of public amenity convenience and orderly development.

6. 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 demolition and construction practices for the development, to include details for investigation of the presence of asbestos and, if it is found to be present, a methodology for its removal and disposal, including noise management measures and off-site disposal of construction/demolition waste.

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

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region.

**Reason:** In the interest of orderly development.

8. 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.

9. Site development and building works shall be confined to the hours between 0800 hours and 1800 hours Mondays to Fridays excluding Bank Holidays and 0800 hours and 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

10. 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.

11. 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. Roof colour of the houses shall be blue-black or slate grey in colour only (including ridge tiles).

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

12. The public open spaces and home zone schemes including the play areas shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped inclusive of the proposed provision for outdoor play facilities in accordance with the submitted landscaping plans submitted with the application. A certificate of satisfactory completion in accordance with the proposed scheme shall be obtained from a certified landscaping professional and submitted to the planning authority. The implementation of the landscaping home zone scheme shall be completed prior to the occupation of the development.

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

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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.

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

14. Proposals for a naming and numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

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 by the local authority of roads, footpaths, watermains, drains, public 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 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 referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance 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 the 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.

