



An
Bord
Pleanála

**Board Order
PL 61.249373**

Planning and Development Acts 2000 to 2017

Planning Authority: Galway City Council

Planning Register Reference Number: 17/220

Appeal by Jacky and Alan Jones and others care of 5 Presentation Road, Galway against the decision made on the 21st day of September, 2017 by Galway City Council to grant subject to conditions a permission to Shaun Hennelly care of O'Neill O'Malley Limited of Second Floor, Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of existing Presbytery and associated outbuilding and Parish Offices on revised site boundaries and permission for construction of five number three bedroom houses, one number four bedroom house, one number two bedroom apartment together with seven number on-site car parking spaces and all associated site services, at Presentation 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 brownfield nature of the subject site which is serviced and its location within an area subject to the zoning objective: R: "To provide for residential development and for associated support development which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods" according to Variation 2 of the Galway City Development Plan, 2017-2023, to the established pattern and character of development in the area, and to the density, scale, height, design and finishes for the proposed development, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would provide for an appropriate density of development in this inner city location, would not seriously injure the visual and residential amenities and the established architectural integrity and character of the area, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. The development for which retention is sought, and the proposed development 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, 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 proposed development shall be amended as follows:
 - (a) The front railings shall be extended as far as the cycle store entrance in the front elevation and climbing plants shall be planted in the inner side.
 - (b) The proposed stainless steel railings along the rear site boundary, bordering on the Cathedral River shall be replaced by metal railings, of a similar design to the front railings, which shall be not less than 1.4 metres in height and which shall be finished/painted in a black colour.
 - (c) The pedestrian entrance shall be positioned to the north east of the site and car space number 6 shall be relocated to align with car space number 5. A five metre buffer zone from the rear boundary shall be retained free from structures and a "Grasscrete" or similar surface shall be installed instead of hard standing or similar.

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 interest of visual amenity, and of the protection of the Cathedral River from potential for pollution, its amenities, integrity and character.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the proposed houses without a prior grant of planning permission.

Reason: To ensure the retention of the buffer zone of five metres from the boundary adjacent to the Cathedral River free from development, and to allow the planning authority to assess the suitability and impact of any such structures through the statutory planning process.

4. Prior to commencement of development, full details of the proposed finishes for the entire development, which shall incorporate a blue/black slate roof, cast iron (or similar to be agreed with the planning authority), rainwater goods, painted hardwood windows and external doors including traditional style sliding sash windows on the front elevation along with details of a colour scheme for the painting of the front elevation which distinguishes the plot widths of the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority.

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) Existing trees, hedgerows and stone walls, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs comprising predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) A timescale for implementation;

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 interest of residential and visual amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. Site development and building works shall be carried out between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity.

8. A Construction Management Plan 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 the following:
 - (a) mitigation measures to avoid accidental spillage or sedimentation of the adjoining river,
 - (b) the creation of a buffer zone to prevent any damage to the protected structure along the river bank,
 - (c) details of any excavation works in proximity to the river bank,
 - (d) details of the methodology for the removal of the existing fence and the construction of the replacement railing along the rear boundary (as required by condition number 2(b) of this order),
 - (e) construction traffic management measures,
 - (f) noise management measures, and
 - (g) off-site disposal of construction waste.

Reason: In the interest of preserving the architectural integrity and heritage value of the adjoining protected structures and in the interest of public safety and residential amenity.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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. Proposals for a development name, unit 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 signs, and unit 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 place names for new residential developments.

12. 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.

13. Prior to the 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 of roads, footpaths, watermains, drains, car parking areas, 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 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 of the development.

