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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 17/83**

**Appeal** V.P. Motors Limited care of John Mooney and Company Limited of Lough Corrib House, 5 Waterside, Galway and by others against the decision made on the 27<sup>th</sup> day of October, 2017 by Galway City Council to grant subject to conditions a permission to Bonham Dock Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A mixed use development (circa 34,765 square metres gross floor area excluding basement, external terraces and open roof plant) provided in four number blocks over a single basement level as follows:

**Block A:** (circa 9,935 square metres) is an eight-storey building, located in the north-west part of the site adjoining Dock Road/Queen Street containing retail/restaurant/café use and Electricity Supply Board substation at ground level, office use at ground level to Level 07, plant at Level 07, external terraces at Levels 04 to 06 with a roof garden at Level 07, solar panels on the roof.

**Block B:** (circa 4,820 square metres) is a seven-storey building with roof plant above, located in the south-west corner of the site adjoining Dock Road and Bóthar Na Long, containing the basement access ramp, retail/restaurant/café use at ground level and mezzanine level, office use at ground level to Level 06, external terraces at Levels 01 to 06 with external links with Block C, roof garden at Level 07, solar panels on the roof. A bridge link is provided at Level 04 between Blocks A and B.

**Block C:** (circa 8,165 square metres) is an eight-storey building with roof plant above, located in the southern part of the site adjoining Bóthar Na Long containing retail/restaurant/café use at ground floor level, office use at ground level to Level 07, external terraces at Levels 01 to 06 with external links to Blocks B and D, public accessible roof and event space at Level 07, roof garden at Level 08, solar panels on the roof.

**Block D:** (circa 11,845 square metres) is an eight-storey building with roof plant above, located along the eastern boundary of the site adjoining Bóthar Na Long to the south, containing office use at ground level to Level 07, external terraces at Levels 01 to 07 with external links to Block C, roof garden at Level 08, solar panels on the roof.

The single basement level (circa 7,030 square metres) contains 138 number car spaces, 162 number cycle spaces, a commuter centre, office lobby areas, building facilities and plant. External amenity space is provided at ground level comprising a raised central plaza, basement ventilation areas, 52 number surface cycle spaces and public realm improvements to the north and west of the site. Vehicle access is from Dock Road, fire tender access is from Dock Road/Queen Street and the proposed public realm to the north, and pedestrian access is from Dock Road, Bóthar Na Long and the proposed public realm to the north. The proposed development includes the demolition of existing structures on the site (circa 274 square metres), the removal of nine number surface car spaces adjoining Dock Road and all associated site

development, boundary treatments, landscaping, remediation, drainage and flood defence works. All at the former Topaz Oil storage facility, located at Dock Road, Queen Street and Bóthar Na Long, Galway City. Further public notices were received by the planning authority on the 2<sup>nd</sup> day of October, 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 city centre location of the development, the pattern of development in the area, to the provisions of the Galway City Development Plan 2017-2023 and to the nature, scale, layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in an excessive density of development on the city centre site, would not seriously injure the visual or residential amenities of the area or of adjoining property, would be acceptable in terms of impact on the archaeological and cultural heritage of the area 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.

### **Appropriate Assessment Screening**

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of September 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 in accordance with the agreed particulars.

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

2. The period during which the development hereby permitted may be carried out shall be seven years from the date of this Order.

**Reason:** Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. 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.

4. Prior to commencement of development, the developer shall employ a suitably qualified archivist to provide a report recording the industrial heritage of the site. A copy of this shall be forwarded to the planning authority and made available for the archive section of the public library.

**Reason:** In order to conserve the archaeological and industrial heritage of the site.

5. All works adjacent to the protected structures shall be carried out under the supervision of an accredited Conservation Architect with specialised conservation expertise.

**Reason:** To ensure the authentic preservation of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

8. The internal road network serving the development, the pedestrian and cycleway fronting the development, the access to the car park and provision for taxi drop off/pick up shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the development is made available for occupation.

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

10. All plant/machinery shall be located within the buildings and shall not extend beyond roof level unless authorised by a prior grant of planning permission.

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

11. 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.



12. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

13. 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 noise management measures, traffic management measures and off-site disposal of construction and demolition waste.

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

14. Prior to the opening of the development, a mobility management strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company within the development. Details shall be agreed with the planning authority and shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

15. 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.

- 16 The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, open space, roads, paths, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

**Reason:** In the interests of residential amenity and orderly development.

- 17 Public access shall be provided to all areas designated as open to the public including the North Plaza, Central Square, Ceannt Courtyard and Waterfront Area and these areas shall be reserved for such use. Lands within the site to the eastern side of Block D, between Bóthar na Long to the south and the northern site boundary shall be dedicated to the provision of public access.

**Reason:** To ensure access permeability and to ensure the satisfactory development of the public realms and public open space areas and their continued use for this purpose.

18. The development shall include a minimum of four professional pieces of civic artwork/features. The artwork shall be conceived and installed subject to the written agreement of the planning authority.

**Reason:** It is considered reasonable, given the scale and nature of the development that an appropriate provision for artworks associated with the development should be made.

19. Areas designated for cultural use within Blocks C and D shall be made available to community/cultural/arts events on reasonable demand and at a not-for-profit cost. A legal agreement providing for same shall be entered into by the developer and the planning authority.

**Reason:** In order to comply with the provisions of Section 10.2.2 of the Galway City Development Plan 2017-2023 in the interests of social and cultural amenity.

20. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a landscaping and amenity scheme. The scheme shall include details of the materials/planting for all hard and soft areas. The approved scheme shall be completed prior to occupation of the development. On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

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

21. Details of the bilingual naming of the development along with a wayfinding and road marking strategy, for the internal site layout and a co-ordinated signage strategy shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the future maintenance of this development in the interests of amenity and orderly development.

22. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services.

23. 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Paul Hyde**

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

**Dated this            day of            2018.**