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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 19/177**

**Appeal** by Hawthorn Place Residents Association of 25a Hawthorn Place, Clybaun Road, Galway against the decision made on the 26<sup>th</sup> day of June, 2020 by Galway City Council to grant subject to conditions a permission to Highcross Developments Limited care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Redevelopment of an existing infill and brownfield site to provide for a mixed-use development comprising of a restaurant bar, two number neighbourhood retail units and six number apartments. The development will consist of: demolition of one number existing two storey detached dwelling, construction of a mixed use building over basement, with the overall height of the proposed building ranging from three storeys to the east to four storeys to the west. The basement will consist of a cellar, toilets, refuse areas, storage and ancillary services. The ground floor will provide for a restaurant and bar use, ancillary services and access areas, as well as two number neighbourhood retail units. The first floor will also accommodate the restaurant use and ancillary service areas. The second floor will provide for residential use, i.e. one number two-bedroom apartment, two number three-bedroom apartments, with private and communal amenity areas. The third

floor will provide for residential use, i.e. one number three-bedroom apartment, one number two-bedroom apartment, with private and communal amenity areas. The fourth floor (to the west of the building), will accommodate residential use, i.e. one number three-bedroom apartment and private amenity areas. Provision for public realm hard and soft landscaping including shared public open space/pedestrian plaza at ground floor level. Provision for 72 number surface carparking spaces, bicycle parking spaces, together with revised boundary treatments and signage. Revised access arrangements to include for a new vehicular entrance from the western Distributor Road and a vehicular exit onto the Clybaun road, together with additional pedestrian connectivity to the public roads bounding the site. Connection to existing public mains water infrastructure, including connection to existing surface water and foul drainage networks, to serve the development, together with all associated site development works and services, all on a site located north east of roundabout at the junction of the Clybaun Road and Western Distributor Road, Knocknacarra, Galway, as amended by the further public notice received by the planning authority on the 2nd day of June, 2020.

## **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 zoning provision of the Galway City Development Plan 2017-2023, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, the pattern of development in the area, and the nature and scale of the development proposed, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area or the amenities of adjoining properties, would constitute an appropriate development, 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 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 13<sup>th</sup> day of May 2020, 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 vehicular entrance off the Western Distributor Road shall be omitted and provision shall be made for an entry/exit on Clybaun Road. Revised drawings reflecting the requirements of this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of the amenities of the area and visual amenity.

5. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with Design Manual for Urban Roads and Streets.

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

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) 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.

7. A comprehensive boundary treatment and 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 footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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

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

8. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation.

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

9. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

10. (a) 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 for each apartment unit 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.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

- 11. 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.

- 12. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

- 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

15. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** In the interests of sustainable transport.

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.



17. 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 interests of public safety and residential amenity.

18. 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.

**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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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**