



An
Bord
Pleanála

Inspector's Report PL 61 248815

Development

Permission for Retention of demolition of, disused glasshouses.

Permission for demolition of a habitable house, four disused sheds a glass house, Ballybane House (a habitable house).

Permission for construction of fifty-two houses and eighty car parking spaces, and a commercial building with medical practice, dental practice, and office space and fifty-six car parking spaces. Closure of existing entrances and creation of new entrances and circulation areas and associated landscaping works.

Location

Henaghan's Nurseries, Ballybane House and Rosapenna, Monivea, Galway City.

Planning Authority

Galway City Council

P. A. Reg. Ref.

16/332.

Applicant

Greenway Estates (Sligo) Ltd.

Appellant

Marie and Gerry Murray

Mary Creavin-Ludden

Gerry Walsh

Date of Inspection

21st August, 2017

Inspector

Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
6.0 The Appeals	8
6.1. Appeal by Gerry and Marie Murray.	8
6.2. Appeal by Mary Creavin-Ludden.....	9
6.3. Appeal by Gerry Walsh,	9
6.4. Response to the Appeal of Marie and Gerry Murray by the applicant.	11
6.5. Response to the Appeal of Mary Creavin Ludden by the applicant.....	13
6.7. Planning Authority Response to the Appeals.	16
7.0 Assessment.....	19
8.0 Recommendation.....	27
9.0 Reasons and Considerations.....	27
10.0 Conditions	28

1.0 Site Location and Description

- 1.1. The site which has a stated area of 2.012 hectares comprises the sites of Ballybane House which is unoccupied, the former Henaghan's nurseries and Rosapenna House, (now demolished) on the south side of the Monivea Road (R339) to the west of Ballybane Road and to east of the city Galway. It excludes and wraps around the site of a detached house and gardens to the east side of the lands of the former Rosapenna House.
- 1.2. The Rosapenna House lands and the former Henaghan's nurseries' lands where several glasshouses which have been demolished, are under rough overgrowth scrubland, hedgerows and some trees including beech trees along the site frontage. and vacant buildings on the site which are disused and in disrepair. Ballybane House dates from the 1940s and it is located to the west side of the nurseries. There is an unoccupied house, a glasshouse, a number of outbuildings, sheds within the site toward the western side as well as a cast iron water tank possibly associated with the Galway Clifden Railway line which is of potential industrial heritage interest. Nineteenth century gate piers and curved walling are intact at the entrance to Ballybane House at the western end of the Monivea road frontage and a separate entrance with a farm gate is on the east side of Ballybane House. Rosapenna House, which has been demolished was located to the east side of the nurseries with access onto Monivea Road.
- 1.3. To the east side of the site, adjacent to the Ballybane Road is the Cregal Art premises and a bungalow. Residential development, mostly terraced two storey housing with front and deep rear gardens is located to the south and to the west and along the Monivea Road frontage. On the opposite / north side of Monivea Road there is the former Crown Equipment site and the site of Eircom on which there are three, three to six storey buildings and other industrial/commercial developments including development under construction adjacent to the Eircom premises.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for demolition of Ballybane House, the habitable house on the site, the existing glasshouse and other structures along with site works and construction of:

- a three storey commercial building with a stated floor area of 2,786 square metres and fifty-two associated parking and circulation space at the site frontage with a section of the site with a stated area of 4,287 square metres. The stated plot ratio is 0.21.
- Fifty-two houses comprising, two, three, four, and five bed units in a mix of two storey, two and a half storey and three storeys within an area of the site with a stated are of 15, 872 square metres which is divided in the layout into four district zones. The stated plot ratio is 0.40:1
- Closure of the two existing entrances and construction of a single access onto the Monivea Road.

2.2. The application is accompanied by a Design Statement, an archaeological and architectural heritage appraisal report, a planning report, civil works report and a road safety audit report for the access / egress arrangements.

2.3. The application was subject to an additional information request to which a response was received on 16th May, 2017. It included a report entitled Architectural heritage and Archaeological Significance of Ballybane House, a Construction Management Plan. Minor revisions to the site layout in response to the request by the planning authority and a statement of willingness to investigate structural stability of boundary walls is included. (Further details are under Section 3.2.1 below.)

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated, 9th June, 2017 the planning authority decided to grant permission subject to thirty-three conditions the majority of which contain standard requirements:

- Condition No 4: A compliance submission on the methods for the protection for the trees to be retained in the development. Condition No 5 requires

agreement of use of Cell Web Tree Root protection and fencing off in accordance with BS standards for trees.

- Condition No 6: A compliance submission for details of the proposed play facility.
- Condition No 8: submission of a certificate of completion by a certified landscape professional with confirmation of satisfactory completion. along with approved drawings.
- Condition No. 33 has the requirement that ten spaces serving the commercial building be available for parking for residential development out of office hours.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following receipt of technical reports and third party observations, and assessment by the planning officer, a multiple item request for additional information was issued to the applicant. Issues raised related to the 75% / 25% split for residential and commercial use required under the specific objective of the development plan; provision for amenity space and shared space (“home zones”) consistent with development plan standards; car parking layouts, architectural heritage and structural sustainability at Ballybane House, building lines, structural stability at site boundary walls, security of adjoining properties and construction management. The applicant submitted a comprehensive response on 16th May, 2017 to the planning authority. The planning officer having reviewed the submission and supplementary technical reports and third party submissions indicated overall satisfaction with the proposed development for to which a decision to grant permission was made.

3.3. Technical Reports

- 3.3.1. The report of the Transportation Department dated 8th February, 2016 indicates no objection subject to conditions which include a requirement for a construction traffic management plan to be agreed with the planning authority prior to commencement of development.

- 3.3.2. The report of the Parks Department notes the presence of significant historic trees at the front of the site which date to the late 18th century. There are recommendations for protective measures to be implemented during construction in accordance with specific requirements, in consultation with the Parks Department, for attachment of a Bond condition, for retention of historic front boundary walling, and, for compliance submissions for landscaping and landscape management plans.
- 3.3.3. The reports of the Environmental Section indicate no objection to the proposed development.

3.4. **Third Party Observations**

- 3.4.1. Several objections were submitted to the planning authority at application stage in which issues raised include concerns about density, design, and compatibility with the established development in the area, impact on adjoining residential properties, especially regarding security, overshadowing, and overlooking, boundary treatment, the proposed demolition of Ballybane House, construction management and traffic safety and convenience, parking provision, removal of trees, and, the nature of the proposed uses of the commercial building.

4.0 **Planning History**

- 4.1. The former Rosapenna House lands in the eastern section of the site have a planning history whereas the Ballybane House lands and Henaghan's nursery lands do not have a record of a planning history according to the information available. An outline summary of the planning history details for the former Rosapenna House lands follows:

P. A. Reg. Ref.07731 /PL 61 228754: Further to third party appeal, the planning authority decision to grant permission for a demolition of a house, and construction of a four storey building over basement for office use was refused for reasons relating to scale and height, adverse impact on amenities of adjoining property and potential for traffic hazard.

P. A. Reg. Ref. 05154/PL 61 213366: Further to third party appeal, the planning authority decision to grant permission for a four storey apartment building was

refused for reasons relating to material contravention of the commercial/industrial zoning objective and adverse impact on residential amenity of adjoining property.

P. A. Reg. Ref. 04648: Outline permission was refused for demolition of the existing house and construction of nine apartments for reasons of deficiencies in private open space and parking.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 which was adopted in January, 2017. (The original application was prepared and assessed during the period in which the extant development plan was the Galway City Development Plan, 2011-2017.)
- 5.1.2. The location is within the “Established Suburbs” in which there is recognition for potential additional development which can benefit from existing public transport routes and from social and public infrastructure but which is compatible with the existing pattern and character of development and the urban fabric.
- 5.1.3. The site is subject to the zoning objective C1: “*to provide for enterprise, light industry and, commercial uses other than those reserved to the CC zone*”. For the lands from which the site is formed, there is a specific objective which provides for development which is seventy per cent in residential use and twenty-five percent in uses compatible with C1 land use zoning objectives. (Section 11.2.6 refers.) Maximum site coverage is 80% and the plot ratio for commercial development is 1.25. (Section 5.3.12. refers.) Offices, including specialist office are permissible. (Section 11.2.6 refers.) Maximum plot ratios for residential development is 0.46:1.
- 5.1.4. There is a requirement for public open space provision amounting to a minimum of fifteen per cent of the gross site area. Home zones if acceptable can take up one third of the fifteen per cent allocation. Minimum private open space provision of fifty percent of the total floor area per unit is required. (Policy 11.3.1 refers.)
- 5.1.5. Provision for ‘home zones’ are encouraged in residential developments: these consist of shared surfaces indirect traffic route planting and features that encourage amenity in streets. (Section 2.3 refers)

- 5.1.6. Car parking standards providing for one space per dwelling and one grouped space per three dwellings. (section 1.3.2 (c) refers.)

6.0 The Appeals

6.1. Appeal by Gerry and Marie Murray.

- 6.1.1. An appeal was received from the appellants on their own behalf on 3rd July, 2017. They reside at the property which is enclosed to the west, south and east by the lands which form the appeal site. Their objections can be outlined as follows:

- Proposed House Nos. 51 and 52.
- These houses are to be positioned directly adjacent the appellant's property. One of the houses breaches the front building line of the appellant's property and it will overlook and overshadow their house.
- Four car spaces are insufficient for these two houses as there are usually two to three cars for each house. Thus, parking on Monivea Road will occur causing major traffic hazard to oncoming traffic and pedestrians and obstruction of sightlines on exiting their property.

- Parking provision

Eighty car spaces for the residential element is insufficient because of average car ownership of two to three cars per house. It will result in parking on green spaces and the commercial area causing traffic hazard to residents.

- Commercial Building.

The commercial building is large and it will overlook, overshadow and obstruct light to the front and rear of the appellant's property.

- Traffic Convenience and Safety.

The development will increase traffic volumes and noise pollution. The parking for the commercial building along the boundary with the appellant property and a turning point behind the boundary wall will result in noise pollution at the appellant property.

- The proposed development could affect the stability of the foundations of the appellant party's house.

6.2. Appeal by Mary Creavin-Ludden

6.2.1. An appeal was received from the appellant on her own behalf on 3rd July, 2017. Ms Creavin-Ludden requests that the decision to grant permission by the planning authority be overturned. According to the appeal:

- On-site parking provision is insufficient and will result in residents and visitors using the public footpath along the main road for parking which will obstruct vision from vehicles exiting the site onto Monivea Road.
- Monivea road is operating beyond its capacity and it will be affected by additional traffic generation from the development. Permission has previously been refused for development on the site and surrounding sites for reasons relating to additional traffic emerging onto the Monivea Road.
- The appellant's father resides at a house which is located on the adjoining "Cregal Art" site (to the east). The development will overshadow and overlook his property. The backs of the proposed houses directly face towards his property resulting in negative impact on the amenities of his property.
- The viability of the historic trees will be at risk and the wildlife habitat within them will be affected.

6.3. Appeal by Gerry Walsh,

6.3.1. An appeal was received from O Tuairisg Associates on behalf of the appellant who resides at No 32 Monivea Road on 6th July, 2017. This property is located to the south west side of House No 1 in the layout for the proposed development. Mr. Walsh has no objection in principle to the development on the appeal site lands but contends that the proposed development would adversely affect the value and the amenities of his property. According to the appeal:

- The ridge height and front building line of House No 1 in the proposed development is not consistent with that of other houses.

- The ridge height of Mr. Walsh's house is 7.9 metres whereas that of the proposed house (No 1) to the east side of Mr Walsh's house is 2.39 metres higher 10.29 metres and the separation distance is 2.3 metres. Mr Walsh's property would be overshadowed and access to natural light would be affected. The kitchen area at the rear of Mr Walsh's house would be most affected by obstruction of natural sunlight.
- The front building line of the adjoining house is setback behind the front building line of Mr Walsh's house by a distance equivalent to over half its depth. The gable end would tower over Mr Walsh's house.
- Overlooking from House No 1 of the rear garden of Mr Walsh's property and overlooking from upper floor windows at the rear of House Nos. 5 and 6 will occur.
- Sightlines towards the north east, on exiting Mr. Walsh's property would be affected by parking on the footpaths on Monivea Road which would be generated by overspill from the proposed commercial development on Monivea Road is operating at maximum capacity.
- The proposed development will exacerbate traffic conditions on Monivea Road which at peak hours' traffic is seriously backed up.
- The heights of the boundary wall are not as shown on the application drawings. It is in poor condition and requires reconstruction to an agreed height. The developer did not approach Mr Walsh to make an agreement.
- A shed proposed for demolition adjoins the boundary wall which would be structurally damaged by the proposed demolition. Existing trees have already caused structural damage to the wall.
- There are other concerns about potential adverse impacts during the construction stage. There is asbestos sheeting on the shed adjacent to the boundary with Mr Walsh's property. Ground works will increase rodent movement. There is potential for falling debris. Safeguards must be put in place. Noise disturbance, including that from construction machinery will affect the amenities of Mr Walsh's property. There are no details of locations of construction compounds. Time limits of 8.30 am to 6.00 pm should be

required. Tree foliage from trees felled could cause nuisance at Mr Walsh's property.

6.4. Response to the Appeal of Marie and Gerry Murray by the applicant.

6.4.1. A submission containing a response to the appeal by Gerry and Marie Murray was received from the applicant's agent on 1st August, 2017. It includes a shadow analysis and a site plan for House Type F. An outline summary follows:

6.4.2. Impact of proposed adjoining houses on Appellant's property:

- With regard to the reduction in separation distance between House Nos. 51 and 52 and the Appellant's property from 1.370 metres from 1.5 metres, indicated in the further information submission, the two houses were widened slightly to facilitate a setback to the building line of the Appellant's house in the further information modifications. A reduced distance can be considered if a good layout and good functional access to the rear can be achieved according to section 11.3.1 (f) of the prior, Galway City Development Plan, 2011-2017. The reduced separation distance achieves functional standards including provision for an access gate off the hammerhead at the rear of the two houses and a good layout which respects the building line, orientation and scale of the appellant's house. (Drawing P (304) refers.)
- The step forward of the front building line of the adjoining property by House No. 52 is not significant and is an acceptable urban and architectural design feature.
- There is no potential for significant overlooking of the appellant's property from Nos. 51 and 52 which are similar in orientation with direct views over their own front gardens and no undue overlooking of adjoining residential properties.
- Negligible overshadowing impact would occur, Nos 51 and 52 in the proposed development being north east of the Appellant's property. A shadow analysis provided with the appeal (Drawing (66) PP 322-325 refers.)

6.4.3. Parking Provision

- On-site parking provision at two spaces each for Nos. 51 and 51 exceeds the development plan standard. (Section 11 3.2 (c) refers.) but is reasonable given the location on the frontage of Monivea Road. The rear access gates onto the hammerhead within the estate would facilitate visitor parking.
- Within the overall scheme, sixty-three grouped spaces are proposed in the further information submission for the remaining fifty houses which is slightly short of the development plan standard. Condition No. 33 has the requirement that ten spaces serving the commercial building be available out of office hours resulting in marginal over-provision for the residential element. A further five spaces, can also be allocated for dual use if required. The detailed “home zone” design precludes parking in green spaces.
- For the commercial building, fifty-six spaces can be broken down between the different uses as follows:
 - Six spaces for the three medical consulting rooms,
 - One space per 75 square metres for the specialist office space at 2,070 square metres and,
 - One space per fifteen square metres for the retail unit at 205 square metres.
- The parking is sufficient and avoidance of unsustainable use of urban land has been considered.

6.4.4. Impact of the proposed commercial building on Appellant’s property.

- The development which wraps around the appellant’s property is appropriate for an urban, brownfield site; for the zoning objective and this results in a reasonable relationship to the appellant’s property.
- The commercial building is well positioned and designed and minimises potential overlooking, overshadowing and adverse visual impact. Windows on the east elevation are over twenty metres from the appellant’s property and a *brise soleil* is to be installed to screen out direct overlooking.
- There are trees at the boundaries, a shed in the corner of the of the garden and there are no windows for living accommodation in the gable end of the house at the Appellant property.

- The shadow analysis demonstrates that there is minimal potential overshadowing effect on the appellant's property from the commercial building (Drawing (PP) 322-325 refers). The existing shed and boundary wall casts shadow over the property in winter and any potential for additional overshadowing is not excessive.

6.4.5. Traffic noise from increased traffic volumes and additional turning movements:

- Traffic noise would be insignificant for an urban setting. The primarily residential development which has a small commercial element is optimal in terms of impact on existing residential properties.
- Parking for the commercial element will not occur at night time. Parking at the rear of the appellant property (in Home-zone 5) is perpendicular with a six metres' space for entry and exit. No turning will take place at the rear of the Appellant property. The hammerhead is designed for Homezone/play space use and services vehicles use only.

6.4.6. Construction methods.

- Appropriate construction methods to be employed will ensure no potential for damage to the foundations of the appellant's house.

6.5. Response to the Appeal of Mary Creavin Ludden by the applicant.

6.5.1. A submission was received from the applicant's agent on 8th August, 2017 attached to which are shadow analysis and landscape plan drawings. According to the submission:

- Parking provision is not inadequate as the total provision for the development of one hundred and twenty-three spaces, (sixty-seven for the houses and fifty-six for the commercial building) which is two spaces more than the development plan requirement of fifty-four. The commercial building uses were selected to maximise sustainability by limited demand for parking. Enforcement relating to illegal parking which the appellant contends will occur is outside the applicant's control.
- As regards potential for additional traffic generation, (a) the traffic and transport assessment and work place travel plan and road safety audit

demonstrate safe vehicular, cycle and pedestrian access without undue impact on the roads in the receiving environment and, (b) the technical and planning officer reports which accept the proposed development subject to conditions.

- With regard to proximity to the appellant's father's property the separation distances exceed minimum development plan standards and that potential overlooking and loss of privacy is insignificant.
- As regards overshadowing, it has been demonstrated in the submitted shadow analysis that significant overshadowing would not occur. The roofline of Nos. 39 and 40 do not impinge on the 25-degree angle of light to the existing dwelling. (Drawing PP 330-334 refers.)
- The proposed development would improve security at neighbouring existing property as the lands have been subject to anti-social behaviour in the past.
- The development was designed to achieve maximum tree retention which prioritises the valuable trees while also achieving the required density and open space. A small number of trees are to be removed but new planting will compensate and diversity will be better than at present. (Landscape Master Plan Drawing 1635-3-100 refers.)

6.6. Response to the Appeal of Gerry Walsh by the applicant.

6.6.1. A submission was received from the applicant's agent on 8th August, 2017 attached to which are shadow analysis and landscape plan drawings. According to the submission:

- There is less than 2.3 metres, (one storey) in ridge height difference which is acceptable in urban design and in an urban setting. The building line was determined by the common building line of House Nos 1.4 and the commercial building in the development to create a strong building line and to enhance the entrance. The extent of the setback relative to the appellant property is reasonable and has no adverse impact on the adjoining property or streetscape. (House No. 1 is to the east of the Appellant's property.) Loss of natural light will not occur and the shadow analysis shows that no significant overshadowing will occur. (Drawing. (PP) 326 329 refers.)

- There is no potential for significant overlooking from House Nos. 1, and House Nos 5 and 6 within the proposed development in that there is a similar orientation with the appellant property. The amount of overlooking of back gardens is typical for urban areas. (Drawing PP 041 refers.) Development plan standards for separation distance are achieved. The small amount of overlooking from upper floor rear windows of Nos 5 and 6 of the bottom of the appellant's rear garden is acceptable for suburban development.
- With regard to contentions as to inadequate and illegal parking reference is made to the total provision for the development of 123 spaces (67 for the houses and fifty-six for the commercial building) which is equivalent to two spaces more than the development plan requirement of fifty-four. The commercial building uses were selected to maximise sustainability by limited parking generation. Enforcement relating to illegal parking is outside the applicant's control.
- With regard to concerns about additional traffic generation reference is made to (a) the traffic and transport assessment and work place travel plan and road safety audit demonstrate safe vehicular, cycle and pedestrian access without undue impact on the roads in the receiving environment and, (b) the technical and planning officer reports which accept the proposed development subject to conditions.
- With regard to contentions as to damage to the common boundary the applicant is willing to accept a condition with requirements for an independent structural survey to be undertaken, measures to ensure structural stability at demolition and construction stages and, construction of a new party wall to a specification subject to the agreement of the planning authority. Reference is made to condition No 28 attached to the planning authority decision with the requirement for an agreed boundary treatment plan for the development in entirety.
- With regard to the appellant's concerns about potential adverse demolition and construction impact, the matters raised in the appeal are addressed in a construction management framework plan and the requirements of the conditions attached to the planning authority decision. They include

compliance submissions: (Condition No 22, (waste/hazardous management plan) Condition No 23 Construction management plan) and Condition No 24, (Construction Traffic Management Plan) refer.)

6.7. Planning Authority Response to the Appeals.

6.7.1. A submission was received from the planning authority on 3rd August, 2017 in which it is stated that most of the appeal issues were taken into consideration and addressed in the assessment of the application. According to the submission:

- The specific objectives regarding land use within the current development plan provide for a sustainable form of development on a brownfield site availing of transport, social and physical infrastructure.
- Potential for unauthorised parking and traffic hard was satisfactorily addressed in the further information submission. A management company which is to be properly constituted as provided for under Condition No 32 will be responsible for this matter. This management will also be responsible for space Nos. 47-56 at the commercial development which are to be available for residents' parking in evening hours as required under Condition Nos 33 and 20. The hours of operation of the commercial building are to be agreed with the planning authority under Condition No 32. Residential amenities will not be adversely affected.
- The modification in the further information submission provided for a layout addressing potential impact on residential amenity of Marie and Gerry Murray's property. The layout for Houses Nos. 51 and 52 achieves the required setback distance of 1.5 metres for houses with floor areas below 200 square metres provided for in the development plan.
- There is more than eleven metres separation distance to the Cregal Arts properties which include the dwelling occupied by Ms Creavan -Ludden's father. Development plan standards are achieved and future development potential for the adjoining lands would not be compromised.
- The applicant's tree survey and landscape plan providing for tree retention and landscaping is reasonable and satisfactory. It has been confirmed by the Parks and Amenities Department that there are no concerns and a

compliance submission for boundary treatment plan along with several stipulations is required.

- House No 1 in the development, (north east of the Mr Walsh's property) will not significantly overshadow, cause loss of natural light or overlook his property.
- Condition No 28 with a requirement for a boundary treatment plan addresses the concerns about the wall on the boundary with Mr. Walsh's property. It includes a requirement for certification by a qualified professional of structural stability of walls to be retained.
- Construction stage noise and vibration, potentially affecting Mr. Walsh's property and the boundary will be addressed in the construction management plan to be submitted for compliance under Condition No 23. It includes requirements for identification of noise sensitive locations, predicted impacts and mitigation in accordance with the specified standards in BS 5228 standards.
- The construction traffic management plan required for compliance under Condition No 24 addresses quantum of deliveries, routes arrangements for storage and parking during construction stage and will address concerns about construction staff.

6.8. Further Submission of Marie and Gerry Murray. (Third Party)

6.8.1. A submission was received on 10th August, 2017 from the Appellants on their own behalf. They state that their concerns are not addressed in the applicant's response to the appeal. According to the submission.

- The separation distance of 1.37 metres is less than the development plan's minimum standard and is insufficient to provide adequate distance from the boundary of the appellant's property.
- Visitors will not park cars at the rear of Nos. 51 and 52. Visitors and deliveries' vehicles will park on Monivea Road when calls are made to the two houses. This will cause extreme traffic hazard at the entrance to the appellant's property and to pedestrians as there is no footpath on the opposite side of the road. Space in the development will not be available. There is under-provision

of parking (at 63 spaces) within the development.

- It is not agreed that overlooking from the commercial building will not occur. The *brise soleil* screens could be removed from the windows of the commercial building at any time. The appellant could choose to remove the shed in their rear garden. It should not have been taken into consideration with regard to overshadowing. The applicant attempts to minimise the overshadowing impact which will occur in summer spring and winter.
- The claim that parking provision for the development is insufficient is reiterated. It is contended that each house would have two or three cars, that parking on footpaths and green areas will occur and, that the proposed use of the commercial development's facilities would be unsuccessful and unrealistic.
- Noise will affect the appellant's property from use of the commercial development's parking for the residential development's parking needs and lack of enforcement regarding prevention of parking on the hammerhead are at the rear of the appellant's property.
- The appellant maintains that there is potential risk to the foundations of the existing house.

6.9. Further Submission of Gerry Walsh. (Third Party)

- 6.9.1. A submission was received from O'Tuairisg Associates on behalf of from Gerry Walsh, on 29th August, 2017. It is confirmed that the Appellant considers that House No 1 within the development will cause loss of natural light to and will have negative impact on the Appellant property at No. 32 Monivea Road, especially for a window for a bedroom's en-suite bathroom at various times of the year. It is stated that at 8 am in the spring equinox, a shadow is cast on the rear facing bedroom window which diminishes natural light. The shadow over the rear facing window will be greater in summer time. (Drawings (PP) 328 and (PP) 320 of the shadow analysis submitted by the applicant refer.)

7.0 Assessment

7.1. There are three appeals against the decision to grant permission which have been made by occupants of adjoining residential properties. The issues raised are similar but also specific in so far as they relate to potential for impacts on each of the appellant properties. Both the strategic and broad ranging issues and the specific issues relating to individual properties are considered below under the following broad sub-categories.

Strategic Policy and Planning Context.

Traffic Safety and Convenience – Monivea Road.

Parking Provision, communal internal circulation space and public amenity.

Boundary Treatment and Landscaping.

Residential amenities of adjoining properties.

Appropriate Assessment

7.2. Strategic policy and planning context.

- 7.2.1. The planning history for the appeal site, and adjoining lands has been reviewed. These applications, which with one exception were lodged with the planning authority ten or more years ago and were unsuccessful for reasons relating to design and impact on residential and visual amenities and reasons relating to traffic generation and insufficient parking provision. In the case of the most recent application for part of the appeal site, the basis for the reason for refusal over traffic and parking was due to deficiencies in details lodged in connection with the application and appeals. (PL 228752/P. A. Reg. Ref. 07731 refers.)
- 7.2.2. The application is for development on brownfield site assembled from three properties and is in principle in accordance with the zoning objective; C1: *to provide for enterprise, light industry and, commercial uses other than those reserved to the CC zone*” for the two hectare site within the Galway City Development Plan, 2017-2023. The proposed combination of residential and commercial use, (specialist offices being permissible on the C1 zoned lands) is also consistent with the specific objective for the site which provides for residential use for seventy percent of the lands and twenty-five percent for uses compatible with C1 land use zoning

objectives. (Section 11.2.6 refers.) The proposed commercial element is also consistent with the requirement for a maximum site coverage of 80% and a plot ratio that does not exceed 1.25 (Sections 5.3.12. and Section 11.2.6 refer.) There is no objection to the density of the residential element or the intensity of development for the commercial element in principle, both of which are considered appropriate.

- 7.2.3. The application for which permission was granted and the duration of which was extended to September 2017 relates to a large-scale development on the opposite side of Monivea Road on a site known as the Crown site. A traffic impact assessment report had been provided on behalf of the applicant and the planning authority was satisfied with the roads, transportation, parking and access considerations. (PL220893/P.A. Ref. Ref. 06/223 refers.)

In view of the foregoing, it is considered that the planning history for the area is not material to the determination of a decision on the current proposal.

7.3. Traffic Safety and Convenience – Monivea Road.

- 7.3.1. The traffic impact assessment which incorporated TRICS analysis undertaken on behalf of the applicant is considered appropriate having regard to the selection of opening and design years and in the three junctions selected for survey and analysis of ratio to flow at peak hours.
- 7.3.2. It is demonstrated that the standards provided for at the two entrances, comprising use of the existing entrance, towards the north eastern end of the site frontage which is to serve the fifty houses and the commercial building along with separate entrance direct to the road at the western end for House Nos 51 and 52 are satisfactory.

The case made in the appeals as to exacerbation of existing and future traffic congestion with the development in place is both reasonable and understandable. However, the predicted additional congestion that would be directly attributable to the traffic generated by the proposed development at the design years is relatively minor. The routes and junctions affected are important linkage routes to the city centre and orbital circulation routes within the urban and suburban area of the city and removed from the National road network.

- 7.3.3. Given the consistency of the development proposal with the zoning objectives for the site, the location within the urban area on brownfield lands, the relatively limited projected additional volumes and turning movements directly attributable to the

proposed development, outright rejection of the proposed development solely on these grounds would be unreasonable. It would result in the lands remaining under developed or undeveloped which is in conflict with the interests of sustainable development in urban centres. In context of the overall consideration of the proposed development, flexibility with regard the proposed development having regard to potential for additional traffic congestion, especially if it is relatively marginal is warranted.

- 7.3.4. The recommendations for alterations and improvements at the proposed entrance to provide for minimum visibility splays and avoidance of obstruction of vision on exiting the development, in so far as such measures are under the applicant's control, road markings and pedestrian facilities can be implemented. Issues as to unauthorised parking on the roadside edge obstructing vision for motorists exiting the site is a matter for the roads and traffic enforcement authorities.

7.4. Parking Provision, communal internal circulation space and public amenity.

- 7.4.1. The quantum of parking, (136 spaces in total) provided within the development accords with the development plan standards. The total spaces provided for both the residential and commercial elements is considered sufficient and appropriate. To this end, there is no objection to the proposals for the dual use of some of the spaces allocated in day time business hours for the office and medical consulting rooms and for the residential development outside hours of business. However, arrangements for a comprehensive management arrangement being that provides for clarity and ease of use of the spaces is advisable. It is agreed that the spaces to the west and south side of the building as shown on Drawing (PP) 303 submitted to the planning authority on 17th May be designated as dual use space for the purposes of convenience for the residential element.
- 7.4.2. It is not accepted that significant overspill resulting in unauthorised parking on Monivea Road, generated by demand from the commercial building or by the two proposed houses (Nos. 51 and 52) with frontage direct onto Monivea Road. As previously stated, control of unauthorised parking on the public road network is not directly under the control of the applicant. It is considered that the safety and convenience of use of the entrances to the property of Mr Walsh at No 32 Monivea Road, to the west side of the appeal site and the property of Mr and Ms Murray

between the proposed commercial building to the west side, and House Nos. 51 and 52 would be unaffected by the proposed development.

7.4.3. The internal shared surface layout throughout the development is such that drivers of vehicles other than those directly connected with the adjoining dwelling would not be incentivised to negotiate the route to reach this destination and use it for parking in connection with visits to the commercial building or other purposes. The intended speed for these areas is ten kph which is compatible with, and gives priority to pedestrian, cyclist and recreational and amenity use appropriate to the location. Any occasional parking and drop offs and/or turning movements taking place should be relatively infrequent and reasonable for shared surface use within residential schemes. This design and layout of the scheme with regard to shared pedestrian, cycle and vehicular circulation and amenity space is consistent with the recommendations and standards set out “*Design Manual for Urban Roads and Streets*”, 2012. (DMURS.)

7.4.4. It is considered that elimination in entirety of the potential use of the shared surface space at the northern end of Street 5 which is at the rear of the property of Mr and Ms. Murray is not feasible and is not warranted. The design and selection of surface materials provide for vehicular use that is compatible with pedestrian use.

7.5. Boundary Treatment and Landscaping.

7.5.1. Some tree removal is essential to facilitate the development and there is dispute that the site frontage which at present is characterised by well-established trees, especially mature beech trees, shrubs, and stone walls. A reasonable balance has been achieved between ground works and intervention required to facilitate the development and retention of historic trees of special interest incorporating supplementary tree planting and landscaping beneficial to environmental and recreational amenity and wildlife and screening. The retention and protective measures for existing boundary trees and vegetation, supplementary planting and boundary wall construction provide for good separation from existing residential properties to the south west, south and south east where the existing residential development has the benefit of very deep rear gardens.

7.5.2. Boundary treatment throughout the development comprises fully capped and rendered boundary wall construction along with a combination of retained and

supplementary planting of trees and hedges. The exception is the boundary wall with the property at No 32 Monivea Road which adjoins some of the structures to be demolished. There is an undertaking from the applicant for a structural survey and stability testing and for either repair or replacement of the wall to be undertaken in consultation both with the planning authority and adjoining property owner. This is considered appropriate and satisfactory. A condition with more comprehensive requirements than those included in Condition No 28 (iii) attached to the planning authority decision is acceptable to the applicant. It is noted that in order to conduct the survey, access to the Appellant's property would be necessary.

7.6. Residential Amenities of Adjoining properties.

- 7.6.1. There is a separation distance of twenty-two metres between the edge of this space and the rear of the dwelling on the site of the Appellant. No undue adverse impact on residential amenity would occur, subject to effective screening being in place at the rear boundary. It is unlikely that vehicles would be driven onto and parked on the open space and this would be discouraged if railings are in place and the level of the open space is raised above the road level. Arrangements for vehicular and pedestrian circulation and for the amenity recreational use of the open space throughout the development in which the "Home-zone" layout has been applied, are acceptable.
- 7.6.2. The bungalow on the road frontage to the east of the site to the front of the Cregal Arts Centre, (Creavin Luddin) in so far as the appeal site adjoins it, is adequately protected by the existing boundary treatment and supplementary construction and planting included in the application.
- 7.6.3. In the event of any lack of clarity as to boundary treatment at Nos 51 and 52 the two road frontage dwellings proposed, inclusion of an appropriate condition with a requirement for a compliance submission with regard to details for all boundary treatment within the development can address these issues and ensure the protection of the residential amenities for the existing adjoining properties should permission is granted.
- 7.6.4. There is an existing side boundary wall from the back to the front of No 32 Monivea Road where it adjoins the site at the entrance to Ballybane House, and the lands at the rear in which there are structures proposed for demolition within the development

at the west side of the appeal site. The applicant's willingness to undertake a structural stability assessment prior to any works is considered sufficient to address any concerns in this regard. It is noted that the planning authority included a condition that addresses structural stability of existing boundary walls to its decision. The applicant's willingness to accept a condition in which the concerns of the appellant regarding the party boundary are addressed is noted and it is recommended that a condition to this effect be included, should permission be granted. In addition, concerns as to asbestos removal can be addressed through a demolition and construction management plan.

Demolition and Construction Noise and Dust

- 7.6.5. The concerns indicated in the appeals as to noise and dust pollution and, consequent adverse on amenities of adjoining residential properties during the demolition, site works and the construction stage, are noted and are understandable. However, the extent and nature of the proposed development is such that there no additional exceptional circumstances or measures, other than those that are addressed through good construction practice in accordance with a comprehensive demolition and construction management plan which is subject to agreement, by condition with the planning authority. Hours of construction can be restricted, by condition to daytime working hours Monday to Friday and mornings on Saturday. There are no concerns as to potential adverse impact on residential amenities following completion of the development.

House Nos. 51 and 52.

- 7.6.6. The footprint of this pair of dwellings as shown in the further information submission is well positioned within the site relative to adjoining developments to the west and south. There is provision for rear and front access at the sides of the houses. It is agreed that there is a slight shortfall in the width of this space. Otherwise, provision for access from both the rear and front ameliorates some of the concern as to the limited width, although it is restrictive with regard to access and capacity to carry out maintenance works to the property from within the site curtilage. Nevertheless, a requirement for minor modification to the footprint providing for a minimum separation distance of 1.5 metres from the boundaries is considered inessential.

Overlooking and Overshadowing.

- 7.6.7. There is no potential for overlooking of the Murray property from the west facing gable in which there is no fenestration, or for any undue degree of overlooking of the adjoining rear garden at this property from the rear elevation upper floor windows.
- 7.6.8. There is no potential for any undue degree of overshadowing of the Murray property which lies to the west side of No 51 and 52. With the dwellings and boundary wall in place the reciprocal standard of residential amenity achieved is high for the urban context of the existing and proposed dwellings.
- 7.6.9. There is no potential for overlooking or overshadowing of the residential property to the east, which is the property of the father of Ms Creavin Luddin to the front of the Cregal Arts Centre. This property is a bungalow. Rear elevations and rear gardens of two storey properties within the development site adjoin this boundary but owing to orientation and separation distance no undue degree of overlooking would occur with boundary treatment in place.
- 7.6.10. Impact on residential amenities of House No1 which adjoins the boundary with the No 32 Monivea Road, the property of Mr. Walsh. It is a two storey house with a depth, (inclusive of the footprint of the porch and utility space to the rear at ground floor level) of fifteen metres, which is reduced at first floor level to eleven metres. There is a ridge height of ten metres and eaves height of 5.9 metres.
- 7.6.11. It is agreed with the Appellant that the setback behind the front building line and projection beyond the rear building line of the dwelling at No 32 Monivea Road is significant. Although the gable end facing west is considerable, the eaves height is low, with the roof ridge being slightly forward of the rear building of the adjoining property which is also infilled to the side with single storey accommodation beneath a single roof slope towards the east from the gable wall. There are two ground floor windows in the rear elevation of the existing dwelling and extension to the side. These windows which are screened from the application site by the existing boundary wall to the west and south west of House No 1 as shown in the application. Given the foregoing, it is considered that with House No 1 in place, any additional overshadowing impact to the pre-development scenario would be negligible. There is no potential for direct and unacceptable overlooking of the property at No 32

Monivea Road from the first floor windows of House No 2, other than towards the end of the garden of this property.

- 7.6.12. There are no rear elevation attic level windows or roof lights, it being noted that solar panels are to be erected on the rear roof slope. In the event of consideration future proposals for dormer windows to the front or rear, a further planning application would be required. While the blank gable wall would be partially visible from within the internal accommodation at the rear of No 32 Monivea Road and the rear garden, bearing in mind the relatively low eaves height with roof ridge and the highest element of the gable end being out of direct view to the side of the existing house, the impact of the variation in ridge height is acceptable. The proposed footprint, form, height and design for House No 1 is acceptable and it is considered that no modifications are warranted.
- 7.6.13. It has been noted that there have been no appeals from residents at the properties to the west site at McDonough Avenue and to the south side at O'Connell Avenue and to the south east to the rear of the Cregal Arts Centre. Observations were submitted to the planning authority at application stage. There are no concerns as to adverse impact of residential amenities at these properties given the considerable depth of the rear gardens of these properties and proposals for boundary wall construction and upgrades. Details should be subject to a compliance submission should permission be granted and a relevant condition attached.

7.7. Appropriate Assessment

- 7.7.1. The site of the proposed project is located in an established suburban area on the east side of the centre of Galway City and is approximately two hectares in area. It is assembled from lands of Rosapenna House, (now demolished), the former Henaghan's Nurseries and Ballybane House. Apart from the Grounds and outbuildings at the east of the site at and adjacent to Ballybane House where most of the garden, driveway and yard areas are permeable and some remaining disused structures site, the site is overgrown with trees and vegetation.
- 7.7.2. The proposed project is for the removal of existing structures, site clearance and preparatory works and for construction a residential and commercial development and associated development works. Owing to the proximity of the Galway Bay Complex SAC there is a potential pathway between the development and the SAC

for potential runoff of pollutants during construction or from vehicular traffic following occupation that could enter and affect the quality of the waters within the SAC.

7.7.3. The proposed development is to be connected to the foul drainage network via a public sewer to the north of the site by gravity and to the public foul sewer network and onwards for treatment and disposal. The arrangements for surface water drainage includes collection through the soil and attenuation within the site and for discharge to the public sewer to the north of the site by gravity in accordance with standards set out in “*Recommendations for Site Development Works*” (Department of the Environment.) Measures are to be in place for good demolition and construction practice and following occupation of the development for the management of pollutant materials to prevent contamination.

7.7.4. It is concluded that the proposed development which is modest in size either individually or in combination with other plans and projects is not likely to have significant effects on the Galway Bay Complex SAC in view of the Conservation Objectives or any other European site. A Stage 2 Appropriate Assessment would therefore not be required.

8.0 Recommendation.

8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission be granted.

9.0 Reasons and Considerations.

9.1. 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 area in which the subject site is located within the Galway City Development Plan, 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development 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 be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars as amended by the further plans and particulars received by the planning authority on the 16th, 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:
 - (i) measures to be taken to ensure the structural integrity of the wall through demolition and construction or, construction of a new party wall the specifications for which shall be subject to the prior written agreement of the planning authority and which shall be implemented to the satisfaction of the planning authority.
 - (ii). Prior to the commencement of the development, a structural stability study of the party wall adjoining the property at No 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. Prior to the commencement of the development the applicant shall agree in writing the planning authority full details of the proposed arrangements for boundary treatment along the entirety of the site boundaries 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 should 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.

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

4. No advertisement or advertisement structure shall be erected or displayed on the commercial building or carpark 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.

5. A traffic management plan for the demolition and construction phase of the development shall be submitted and agreed in writing with the planning authority prior to the commencement of the development. It 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.

6. The internal shared surface circulation routes, carparks 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).

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

7. 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.

8. 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.

9. 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.

10. Site development and building works shall be confined to the hours between 0800 hrs and 1800 hrs. Mondays to Fridays excluding Bank Holidays and 0800 hrs and 1400 hrs. 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.

11 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.

12 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.

13 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.

14 The communal landscaped and home zone spaces, grouped parking areas, services and access roads and sewers and watermains shall be held in private ownership or control and maintained by properly constituted management company the details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of clarity and orderly development.

15 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.

16 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.

17 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.

18 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.

19 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Jane Dennehy
Senior Planning Inspector
19th October, 2017