



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308638-20

<b>Development</b>	Demolition of agricultural sheds and construction of apartments along with medical centre.
<b>Location</b>	Gleann na Mona at Lands to the west of the Ballymoneen Road At the junction with the Western Distributor Road, Knocknacarra, Galway.
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	19368
<b>Applicant(s)</b>	K King Construction Claregalway Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Olive Alcock and Others (Hugh Carey, Bertie Feeney, Charles & Geraldine Fegan and Ann Murray)
<b>Observer(s)</b>	None

**Date of Site Inspection**

23<sup>rd</sup> of March 2021

**Inspector**

Adrian Ormsby

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## 1.0 Site Location and Description

- 1.1. The site is a parcel of land enclosed to its north east corner by the Ballymoneen Road and the Western Distributor Road in Knocknacarra, Galway. The Blake Roundabout is located at the junction of these roads. The site is c. 4.8km west of Galway City Centre and has a stated site area of 0.47668 sq.m.
- 1.2. The Western Distributor Road is a wide, two way road with a central median hatched strip and public footpaths with grass verge either side. This road runs along the northern boundary of the site from east to west. The Ballymoneen Road runs along the eastern boundary of the site in a north to south direction. The Ballymoneen Road is narrow to the front of the application site and at this point is not served by a public footpath. The opposite side of the road does have a public path. The Ballymoneen Road has a steep gradient that falls in a southerly direction along the site boundary.
- 1.3. The Ballymoneen Road serves a number of residential properties in the general Knocknacarra area including the Portcarron estate which is located opposite the application site and Monalee Manor which is located to the south of the site. The Leargán residential development is located west of the site and accessed off the Western Distributor Road.
- 1.4. The site is currently under development with high hoarding enclosing the northern and Eastern boundaries. A construction access to the site is located directly opposite the Portcarron estate entrance.

## 2.0 Proposed Development

- 2.1. The proposed development comprises-
  - Amendments to previously granted planning permission Ref No. 17/30, 19/68 & 19/208.
  - Two buildings as follows:
    - a 3 storey block with 4 apartments (three 2-bedroom and one 1-bedroom) and a restaurant with bar c. 698sq.m over two floors (Drawings indicate pub)

- a three storey block, 11 duplex units, a medical centre c. 217 sq.m, pharmacy c.120 sq.m, convenience store c.246 sq.m and a coffee shop 110 sq.m
- a new vehicular entrance along Ballymoneen Road
- 98 car parking spaces

2.2. The Planning Authority sought further information (FI) on the 20/02/20. The main issues can be summarised as follows-

- Sufficient legal consent to carry out works on land not under applicants control
- A number of transportation, road and traffic issues including-
  - Implications of works encroaching on Galway City Council lands and need to set back proposed buildings
  - Submission of a new Traffic and Transport Assessment for the site including development under construction of adjoining lands
  - Updating of submitted stage 1 Road Safety Audit taking subsequent applications into consideration
  - Compliance with DMURS
- Proposed finishes and materials emphasising the commercial nature of building at corner of the site.
- Nature of uses and impacts on residential amenity to the public house/restaurant, cafe element of the proposal
- Pedestrian connectivity to adjacent housing development to the west and south
- Shortfall in car parking

The applicant responded to the FI request on the 10/07/20. The response includes-

- Revised drawings showing a 2m set back from the northern boundary edge with desirable pedestrian connections also shown to public areas. All works area indicated as within the site boundary.

- Revised drawings submitted to address other transportation, road and traffic issues including Traffic and Transport Assessment and stage 1 Road Safety Audit concerns.

2.3. The Planning Authority sought clarification of further information (CFI) on the 25/08/20. The main issues can be summarised as follows-

- Proposed car parking remains seriously deficient with a shortfall of 43 spaces. The applicant was invited to submit a revised development generating a lesser car parking requirement.

The applicant responded to the CFI request on the 10/07/20 showing the following-

- Revised drawings showing floor area of restaurant revised to c. 650 sq.m and reference to standalone bar/pub omitted
- There is only a shortfall of 9 spaces and this is not significant. References to 'bar' are ancillary to the restaurant use and not a standalone use. Accordingly spaces for a 'bar' are not required.
- 94 car parking spaces are provided.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission on the 15/10/20 subject to 15 conditions generally of a standard nature and including-

- C2 (a – k) including matters such as- nature and use of restaurant, nature and use of other retail uses (avoidance of noise and vibrations) to be agreed, signage and shutters to be agreed, no loading/unloading on public roads, waste management plan to be agreed etc
- C6- matters relating to development works including submission of a construction management plan to be agreed
- C9- Public Lighting

- C12- details of a management company shall be submitted and agreed

## 4.0 Planning Authority Reports

### 4.1. Planning Reports

The third planning report of Galway City Council's (GCC) Planning Officer (dated 15/10/20) reflects the decision of the Planning Authority. The following is noted from the report-

- The site is under the ownership of the developer of the surrounding housing development under construction PI. Ref. No. 17/30, 19/68 and 19/208.
- Having regard to the zoning objective and specific objective for this area as set out in the development plan the development would be open for consideration.
- A mixed commercial facility at the roundabout corner has been granted by An Bord Pleanála under 17/30. The principal of a commercial development is acceptable.
- The proposed corner building facing the roundabout is of a similar design to that permitted under 17/30
- There is no issue with regards to the mixture of uses proposed.
- The principle of a three level building facing on to Ballymoneen Road is a welcome addition to the emerging urban streetscape and there are no issues with regards to the design or location of the structure.
- The apartments are all dual aspect with a balcony located on western elevation overlooking communal open space. This is an optimal layout for these units maximising available light and overlooking open space.
- Connections for pedestrian connectivity are welcome but no letter of consent has been submitted.
- The Transport and Traffic Assessment submitted at FI proposes an inline bus stop along Ballymoneen Road. Footpaths have been widened to 2 metres.
- Indicative locations for mechanical plant have been submitted.

- An off licence and standalone bar are not proposed to the restaurant.
- A revised site layout plan provides permeability through the site
- A shortfall of 8% in carparking can be considered due to the proximity of public transport.

#### 4.2. **Other Technical Reports**

- Transportation Department report (19/08/20)
  - following receipt of FI, it appears clarification was recommended in relation to EV charging facilities and taking in charge and wayleaves required.
- Drainage- No objections
- Building Control- No objections

#### 4.3. **Prescribed Bodies**

- Irish Water- no objections, subject to standard notes

#### 4.4. **Third Party Observations**

There is one third party submission received and on file. The main issues raised can be summarised as follows-

- Proximity of the proposed entrance to the Portcarron estate entrance creating a staggered junction and difficult traffic turning manoeuvres.
- Traffic implications and capacity of the road to cater for the development and additional traffic movements.
- Site set back from Ballymoneen Road
- Multiplicity of entrances in close proximity
- In adequate car parking provision and overspill in to residential estates
- Impacts on residential amenity from the proposed pub- noise, deliveries, anti-social behaviour



- Overdevelopment of the site
- Three storey buildings are out of character with the established pattern of the area
- Landscaping proposals are poor
- Impacts on Part V proposals for the overall development of the lands.
- The submission of three applications 19/366, 19/367 and 19/368 are variations of permission granted under 17/30 and is considered a form of project splitting
- Permeability and accessibility to adjoining estates.
- Provision of cycle parking and cycle lane

There was also one submission received generally in support of the proposed development as a facility for hosting local club events.

Two further submissions were received on the submitted Further Information which can be summarised as follows-

- The Traffic Assessment and Road Safety Audit do not address previous concerns and in particular the impacts on the Portcarron junction and larger vehicles accessing the commercial premises
- Crucial road safety matters have not been addressed i.e. staggered junction..
- Car parking spillage outside of the site

Two further submissions was received on the submitted Clarification of Further Information which can be summarised as follows-

- The auto track analysis does not show all vehicle turning manoeuvres in all directions
- There is no analysis of vehicles turning right into the site.
- The location of the proposed entrance is too close to the Portcarron entrance.

## 5.0 Planning History

This site is located in the north west of a larger landholding to which the following application provided for the overall development of these lands and the subject site-

- ABP-300032-17 (17/30) 88 no. residential units, 4 no ground floor retail units, a childcare facility, vehicular access from the Ballymoneen Road, 23/04/2018 grant

Seven applications were received on the lands of the above site modifying ABP-300032-17 (17/30) and subsequent applications and include the site of the subject appeal. The six other applications are as follows-

- 20/358- amendments to previously granted planning permission ref. no. 19/366 for 21 residential units, Creche and Office space (184.91 sqm), Permission **Refused** 24/02/21-
  - Office space considered excessive, residential zoning where office is only acceptable if subsidiary to primary designation/zoning. Size and scale of private open space would adversely impact residential amenity in the area and would conflict with policies of the development plan and ministerial guidelines.
  - The proposal would erode and diminish private open space and communal open space, would be inadequate for residential units. The proposal would be contrary Chapter 11 of the Development Plan.
- 20/344- amendments to a previously granted planning permission ref 19/366 for elevational and internal layout changes of the previously granted apartments, one level of undercroft parking and 64 no. residential units **Further Information requested** 18/02/21.
- 19/366- amendments to previously granted planning permission Ref. No. 17/30, 19/68 & 19/208 including 64 apartments, 16 no. duplex units totalling 80 units, Creche, 114 car parking spaces and 22 bicycles secure parking for each apartment block, **Grant** 19/11/2020 (appeal under ABP-308256-20 withdrawn).

- 19/367- amendments to previously granted planning Ref. No. 17/30, 19/68 & 19/208 including 5 units no. 4 bed residential units and associated car parking, **Grant** 06/08/2020.
- 19/208- retention and completion of amendments to 17/30 & 19/68 including retention of changes of house type, minor amendments to finished floor levels and footprint locations for some houses, **Grant** 16/10/2019
- 19/68- amendments to Pl. Ref. 17/30 including change of house types and provision of 35 units, omission of rear pedestrian access lanes, minor amendments to proposed road alignment/footpath and green verge, revisions to the western site boundary to assimilate residual strip of land into the overall site, **Grant** 11/06/2019

Other relevant applications in the general area of the subject appeal include the following-

- PL.61.245218 (14/317) discount food store, 11/11/2015, **refused** for two reasons-
  - the proposal would militate against the successful provision of a neighbourhood centre at lands to the south of the proposed site and fail to provide for a visual connection
  - the quantum of retail facility proposed in the context of the zoning and neighbourhood centre designation to the south.
- PL61.243237(12/268) discount food store, 21/08/14 **refused** for one reason-
  - the sole retail use on the site at a location adjacent to a designated neighbourhood centre would militate against the orderly development of the centre.

## 6.0 Policy Context

### 6.1. National Policy, Ministerial Guidelines and Other Guidelines

6.1.1. National Planning Framework (NPF) - the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. Relevant National Policy Objectives include-

- *2a- A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.*
- *3a- Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements*
- *3b- Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints*
- *5- Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.*
- *11- In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- *13- In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

6.1.2. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020); The following Sections and Specific Planning Policy Requirements (SPPR's) are relevant-

Section 1.19 states-

*'...An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.'*

Section 2.4- 2) Intermediate Urban Locations

*Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:*

- *Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.*

*The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.*

Section 2.15 states-

*In accordance with Section 28 of the Planning and Development Act 2000, as amended, planning authorities must apply the standards set out as planning policy requirements in these guidelines, notwithstanding the objectives and requirements of development plans, local area plans and SDZ planning schemes.*

Specific Planning Policy Requirement 1 states-

*Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).*

Specific Planning Policy Requirement 2

This relates to 'all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha'. The proposed development does not meet this criteria and therefore SPPR 2 does not apply in this instance.

Specific Planning Policy Requirement 3 states-

*Minimum Apartment Floor Areas:*

- *Studio apartments (1 person) 37 sq.m*
- *1-bedroom apartment (2 persons) 45 sq.m*

- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

Section 3.8 deals with Safeguarding Higher Standards and states-

*In the interests of sustainable and good quality urban development these guidelines should be applied in a way that ensures delivery of apartments not built down to a minimum standard, but that reflect a good mix of apartment sizes. Accordingly, it is a requirement that:*

- a) *The majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)*

#### Specific Planning Policy Requirement 4

*In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:*

- (i) *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in....*

#### Specific Planning Policy Requirement 5-

- Ground level apartments floor to ceiling heights shall be a minimum 2.7m and shall be increased in certain circumstances.....

#### Specific Planning Policy Requirement 6-

- Maximum provision of 12 apartments per core

## Section 4.10

*The provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. The minimum required areas for public communal amenity space are set out in Appendix 1..*

## Section 4.18 Car Parking

*4.21 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.*

*4.22 As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.*

## Section 6.13

*....planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.*

## Appendix 1- Required Minimum Floor Areas and Standards

6.1.3. The following are also considered relevant-



- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);

- Section 5.8 (c) Public transport corridors

*.....it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns – including higher densities – on lands within existing or planned transport corridors.*

*.....Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop*

*The capacity of public transport.....should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.*

- Design Manual for Urban Roads and Streets (2013, updated 2019)
  - Section 4.3.3 Corner Radii Figures 4.42 & 4.43
  - Section 4.4.3 Junction Design ('reduce kerb radii'- slowing turning vehicles)
  - Section 4.4.4 Forward Visibility and Table 4.2 'Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds'.
  - Section 4.4.5 Visibility Splays and Figure 4.6.3

- Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines May 2014'.

## 6.2. Regional Guidance

### 6.2.1. Northern and Western Region Spatial and Economic Strategy 2020-2032

## 6.3. Galway City Development Plan

The site is located within the residential zoning (R) where it is an objective to

*“provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”*

Uses which are compatible with and contribute to the zoning objective- 'local shops, local offices, license premises, banks & other local services'.

The site is an identified 'local centre' on the Development Plan map where it is a specific development objective to

*‘Provide for additional local centres to facilitate local convenience shopping and services. These facilities will be accommodated at Clybaun, Ballymoneen and Ballyburke as indicated on Development Plan maps’.*

It is also a specific development objective to-

*‘R zoned lands located at the junction of the Western Distributor Road, Ballymoneen Road and Blake Roundabout, defined in Planning Reference Number 14/317 and comprising approximately 0.82 hectares. These lands shall accommodate convenience goods retailing and local services of a public/community nature. These uses shall be of a scale that is equivalent to approximately 20% of the development of the overall site and will be so designed as to form an integrated element in the design and layout of the overall development.’*

The land use zoning map shows the Ballymoneen Road along the eastern boundary of the application site is subject to other Specific Objectives including-

- Bus Routes (Galway Transport Strategy)
- Road Improvements

The land use zoning map also shows the Western Distributor Road i.e. to the northern boundary of the site is subject to other Specific Objectives including-

- 'Primary Cycle Network'
- Bus Routes (Galway Transport Strategy)

Section 2.4- Table 2.1 Ballymoneen and Knocknacarra are located in 'Outer Suburbs' (also Fig. 11.34). Policy 2.5 Outer Suburbs includes-

*Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.*

*Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form.*

*Ensure the layout of residential developments has regard to adjoining developments.*

*Encourage a mix of housing types and sizes within residential developments.*

*Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.*

*Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.*

.....

Section 3.10 sets out a number of Specific Objectives for Traffic and Road Network.

Chapter 11 deals with General Development Standards and Guidelines

Section 11.3 sets out Residential Development Standards

Section 11.3.1 deals with Outer Suburbs

Section 11.10.1, 11.3.1 (g) and Table 11.5 sets out Car Parking Space Requirements-

- *2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or*
- *1 on-site space per dwelling and 1 grouped visitor space per dwellings or*
- *1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings*
- *3 spaces for dwellings over 200m<sup>2</sup> and 1 grouped visitor space per 3 dwellings*
- *1 space for one bedroom residential dwellings and 1 grouped visitor per 3 dwellings*

*These standards should not be exceeded unless acceptable additional need can be demonstrated.*

- *Restaurants 1 space per 15m<sup>2</sup> gross floor area*
- *Supermarkets and Shops 1 space per 15m<sup>2</sup> gross floor area*
- *Surgeries, Clinics, Group Medical Practices 2 spaces per consulting room*

#### **6.4. Natural Heritage Designations**

The site is located c. 725m north of Galway Bay Complex SAC (000268) and 885m north of Inner Galway Bay SPA (004031).

## 6.5. EIA Screening

- 6.5.1. Having regard to the nature and scale of the proposed development, the permitted development on site and the serviced nature of the site it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One third party appeal has been received from five residents of the Portcarron Estate to the east and opposite the application site. The appellants are Olive Alcock, Hugh Carey, Bertie Feeney, Charles & Geraldine Fegan and Ann Murray. The grounds of appeal can be summarised as follows-

- The appellants have lodged the appeal as a group, because they feel that their concerns regarding the location of the entrance to the development site have not been addressed.
- There are many entrances either side of the Ballymoneen Road in close proximity to the site.
- The location of the proposed entrance to the south of the Portcarron estate entrance will create a dangerous staggered T-junction.
- This section of road is on a bus route and because it is so narrow, two buses cannot pass each other along it. The commercial nature of the development will increase traffic flow and the need for more commercial vehicles to use the road.
- The FI and Traffic & Transport Assessment submitted by the applicant is deficient because no new data was presented specific to the junction with Portcarron estate and the Ballymoneen Road.
- The Road Safety Audit submitted at FI stage excluded the junction from the existing site entrance. The decision not to include this, shows a lack of

thoroughness to consider road safety implications of the proposed access, which when constructed across the road and downhill from the entrance to Portcarron will result in a complicated and dangerous junction.

- Auto-track analysis submitted by the applicant are deficient as they do not test the routes of larger vehicles. These manoeuvres are likely to be most problematic and their omission means the junction has not been properly assessed.
- No details of a meeting between the Transport Department of Galway City Council and the applicants are on the planning file.

## 7.2. Applicant Response

The applicant's response to the third party grounds of appeal can be summarised as follows:

- The civil engineering report lodged with the initial application includes a sight line drawing from the proposed entrance and demonstrates these are suitable for a safe access which would not be harmful to the surrounding area, including other junctions on the Ballymoneen Road such the Portcarron access.
- Page 26 of the Traffic and Transport Assessment (TTA) submitted in response to FI request considered the impact of the development on estates such as Portcarron. This noted that it was not possible to gather accurate up to date information as a result of the global pandemic. Reasonable conclusions were drawn using existing available data and results from other analysis in the vicinity. It was considered that similar to nearby areas the Portcarron junction would operate in a similar manner and with considerable reserve capacity and negligible queuing which would not be harmful to, or interfere with the Portcarron junction.
- The Road Safety Audit (RSA) recommends warning signage to be provided along the Ballymoneen Rd to ensure drivers anticipate the junction. This will act as a traffic calming measure assisting access to an exit from the estate. Signage is shown on submitted drawings.

- The TTA Assessed the potential impact of the development in operation and determined that in both a 'do nothing' and a 'do something' scenario for the road network, the impacts in terms of volumes of traffic created to and from the site would be negligible in all scenarios.
- The TTA Includes an assessment of traffic that will be generated by the site in the construction phase and in the operational phase. A construction management plan was also proposed to be submitted as part of a condition to further ensure the impact of construction on the local network is limited.
- In terms of operation, the TTA states the results show that the impact of the proposed development is relatively minor, there would be a negligible impact on the capacity of the roads as a result of this development.
- The proposed development also provides a bus shelter which will be of benefit to the local area and will further reduce the levels of traffic in the area through the provision of sustainable method of transport as an alternative to the private car.
- The road is a local road which is capable of taking traffic and bus transport, it is approximately 7 metres wide and as such is compliant with DMURS.
- The TTA Submitted with the FI response was based on the one submitted with planning application 17/30 and included traffic survey data from November 2016. The methodology prepared further TTA was discussed with Galway City Council's Roads Department and agreed given the current Covid 19 global pandemic, as it was not possible to gather accurate results due to the current restrictions and significant reductions and movement of the general population. The 2016 data also related to a mixed use development including retail and residential units and appropriate measures were taken to ensure it was an accurate prediction into future traffic movement surrounding the development site.
- The entrance to the Portcarron estate was illustrated and specifically labelled an OCSC drawing number K421-OCSC-XX-XX-DR-C-0710-S8-P10 but not necessarily labelled on all other plans as appropriate.

- Auto-track analysis was completed and submitted for a standard vehicle and a waste collection vehicle. Additional Auto-track analysis have been prepared and are attached to this response in Appendix 1. This includes fire tender, ambulance and light van from the site and Portcarron estate. These show vehicular movements both north and south are possible and compliant with DMURS.
- A meeting was held between Galway City Council's Transport Section and the Design Team. Evidence of the taking place of this meeting is provided in Appendix 2.
- The proposal would not create undue harm to the surrounding area, particularly in terms of traffic impacts on the Portcarron estate, the Ballymoneen Road, and the surrounding area. It comprises of a suitable and sustainable development which is in accordance with national, regional and local policy.

### 7.3. **Planning Authority Response**

- None received

### 7.4. **Observations**

- None

## 8.0 **Assessment**

### 8.1. **Introduction**

- 8.1.1. I have examined the application details and all other documentation on file, including the submissions received in relation to the appeal and planning applications Reference No. 17/30 (ABP-300032-17), as well as an online review of 19/68,19/208, 19/366 & 19/367. I have inspected the site and have had regard to relevant local/regional/national policies and guidance.
- 8.1.2. I consider the substantive issues arising from the grounds of this third party appeal, and for the purpose of assessing the appeal, relate to the following-



- Zoning, Density and the Principle of the Development
- Apartment Standards
- Traffic Impact, Roads & Entrance and Parking
- Appropriate Assessment

## 8.2. Zoning, Density and the Principle of the Development

- 8.2.1. The site is located within the residential zoning (R) where it is an objective *“to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”*
- 8.2.2. Examples of uses which are compatible with and contribute to the zoning objective are set out in section 11.2.8 of the Development Plan and include *‘local shops, local offices, license premises, banks & other local services’*.
- 8.2.3. The site is an identified *‘local centre’* on the Development Plan map where it is a Specific Development Objective *‘to provide for additional local centres to facilitate local convenience shopping and services. These facilities will be accommodated at Clybaun, Ballymoneen and Ballyburke as indicated on Development Plan maps’*.
- 8.2.4. It is also a stated Specific Development Objective-
- ‘R zoned lands located at the junction of the Western Distributor Road, Ballymoneen Road and Blake Roundabout, defined in Planning Reference Number 14/317 and comprising approximately 0.82 hectares. These lands shall accommodate convenience goods retailing and local services of a public/community nature. These uses shall be of a scale that is equivalent to approximately 20% of the development of the overall site and will be so designed as to form an integrated element in the design and layout of the overall development.*
- 8.2.5. The application must be considered in the context of the parent permission ABP-300032-17 (17/30) and subsequent amendments to that permission under 19/366, 19/367, 19/208 and 19/68. This application forms the north eastern corner of the overall lands where a large residential development and mixed use facility has been granted. Having reviewed the planning history of ABP-300032-17 it is noted that

permission appears to provide a density of 33 units per ha and a plot ratio of 0.51: 1. The current application can be described as one of four subsequent applications amending 17/30 and now providing for 135 residential units. The site area for the parent permission ABP-300032-17 (17/30) is noted as 2.618 ha. This gives an estimated proposed density of 51.5 per ha for the overall lands of which this application forms a part.

- 8.2.6. Section 2.5 of the Galway City Development Plan deals with Residential Densities in the 'Outer Suburbs'. It does not specifically include a requirement for density but does outline criteria as set out in the 2009 Sustainable Residential Development in Urban Areas Guidelines. I have considered this criteria, including the proposed three storey building heights in the context of the parent permission ABP-300032-17 (17/30). I refer to the 2009 Sustainable Residential Development in Urban Areas Guidelines which details appropriate locations for increased densities. In this regard section 5.8 (c) deals with 'Public transport corridors' and states

*In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at...bus stops, and decreasing with distance away from such nodes.*

I note this refers specifically to net densities however the proposed development and the parent permission propose a number of mixed uses and will provide a number of local services.

- 8.2.7. The proposed development and parent permission are of an appropriate density and building height, are clearly compatible with and contribute to the Zoning and Specific Development Objectives of the area. The principle of the proposed development is therefore acceptable.

### 8.3. **Apartment Standards**

- 8.3.1. The application proposes 15 apartments/duplexes amongst other mixes of use. The Planning Authority have raised no concerns in relation to the proposed apartment standards.
- 8.3.2. For the purpose of the 2020 Apartment Guidelines and this assessment, the proposal is not considered to be a 'Building Refurbishment Scheme' or an 'Urban

Infill Scheme'. The existing building on site is not being refurbished and the site has a stated site area of 0.47688ha and exceeds the specified 0.25ha. Furthermore the application must be considered in the context of the parent permission on the site 17/30 (ABP-300032-17) and subsequent permitted amendments having regard to the fact that the red line boundary of this site is not the same as the parent permission. Furthermore I consider duplexes to be apartments.

8.3.3. Section 2.4 of the Guidelines details criteria for identifying location in cities and towns that may be suitable for apartment development. In this regard I consider the subject site can be best described as an 'Intermediate Urban Locations'. The sites proximity to bus services is noted.

8.3.4. The proposed development will therefore be assessed against the following Specific Planning Policy Requirements of the 2020 guidelines- SPPR 1, 3, 4, 5, and 6.

#### 8.3.5. SPPR 1

The proposed development is for 15 residential units in two blocks-

- 4 apartments in Block 1 (Restaurant Block)
  - 1 no. 1 bed
  - 3 no. 2 bed
- 11 apartments/duplexes in Block 2 (Commercial Block)
  - 10 no 2 bed
  - 1 no. 3 bed

The proposed apartment/duplex mix is compliant with SPPR 1 of the Apartment Guidelines.

#### 8.3.6. SPPR 3

This requirement sets out minimum requirements for apartment floor areas and in particular requires-

- 45 sq.m for 1-bedroom apartment (2 persons)
- 73 sq.m for 2-bedroom apartment (4 persons) and
- 90 sq.m for 3-bedroom apartment (5 persons)

Having reviewed the drawings I note-

- The one bed apartment has a stated floor area of 53.42 sq.m
- All 2 bedroom apartments/duplexes range from a stated 75.29 sq.m to 78.74 sq.m in Block 1 and from c. 83.73 sq.m to c. 90.6 sq.m in Block 2.
- The 1 no. 3 bedroom apartment has a floor area of c. 128 sq.m in Block 2.

The proposed development complies with SPPR 3.

#### 8.3.7. Section 3.8- Safeguarding Higher Standards

Section 3.8 of the Guidelines is titled 'Safeguarding Higher Standards' and seeks to ensure delivery of apartments that are not built down to a minimum standard, but that reflect a good mix of apartment sizes. Accordingly, it is a stated requirement of the Guidelines that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3-bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total).

In accordance with the example provided in section 3.9 of the Guidelines I have calculated the 'Cumulative Min Floor Area' for the proposed units to be- 1,084 sq. The 'Total Required Minimum Floor Area would be  $1,084 + 108.4 = 1,192.4$  sq.m. Therefore 108.4 sq.m of additional floor space is required and needs to be allocated to at least the majority of the apartments/duplexes i.e. at least 8 units.

Having reviewed the drawings submitted with the application I am satisfied that all but three no. 2 bedroom apartments, all in Block 1 do not exceed the floor area requirement by at least 10%. I am satisfied the proposed development complies with the requirements of section 3.8.

#### 8.3.8. SPPR 4

This SPPR requires a minimum of 50% dual aspect apartments in a single scheme in 'Intermediate Locations'.

Having reviewed the drawings submitted with the application I am satisfied that 1 apartment in Block 1 and all eleven apartments/duplexes in Block 2 are dual aspect which is well in excess of the 50% requirement. The proposed development complies with SPPR 4.

### 8.3.9. SPPR 5

This SPPR requires ground level apartments to have floor to ceiling heights of a minimum of 2.7m. The application does not propose any ground level apartments. I am satisfied the proposed development complies with SPPR 5.

### 8.3.10. SPPR 6

This SPPR requires a maximum of 12 apartments per floor per core may be provided in apartment schemes. The proposed development provides for 1 residential upper floors to both Block 1 and 2 with a maximum of 4 and 11 apartments respectively. I am satisfied the proposed development complies with SPPR 6.

### 8.3.11. Other Requirements

The apartment guidelines sets out a number of other requirements-

- Appendix 1 details requirements in relation to '*Required Minimum Floor Areas and Standards*' for living/dining/kitchen areas, bedrooms, storage, private amenity space and communal amenity space. Having reviewed the submitted drawings, the proposed development appears to meet most of these requirements. I note the four apartments in Block 1 fail to meet the minimum dedicated storage requirements but have larger overall floor areas and significantly larger private amenity spaces than those requirements and in terms of overall quality the proposals are acceptable. Dedicated storage does not appear to have been indicated in the drawings for all apartments in Block 2 (save bedroom storage). I again note the larger than required floor areas and private amenity space for these apartments and in terms of overall quality the proposals are acceptable.
- In relation to Communal Amenity Space the guidelines requires 105 sq.m based on the proposed apartment mix. The application does not appear to provide dedicated communal amenity space for the apartments as part of this development. However the application must be considered in the context of the parent permission and its subsequent amendments. I note the submission of a Landscape Masterplan for the overall lands in the landholding which provides for a large central communal amenity area just west of Block 2.

Accordingly I am satisfied the proposed development will benefit from this communal amenity space/public open space.

- Section 6.13 requires the submission of a Building Lifecycle Report to include an assessment of the long term running and maintenance costs of the development as they would apply on a per residential unit basis. The report should demonstrate what measures have been specifically considered to effectively manage and reduce costs for the benefit of residents. This requirement does not appear to have been complied with. I am satisfied this can be adequately addressed by the addition of an appropriate condition should permission be granted.

#### 8.3.12. Conclusion

I consider the site can be described as located in an 'Intermediate Urban Locations' in accordance with the 2020 Apartment Guidelines. Overall the proposal and permitted scheme will provide for 15 residential units and a Mixed Use development. Galway City Council have deemed the proposal acceptable. In accordance with Section 28 1 (c) of the Planning and Development Act, 2000-20 (as amended) and Section 1.19 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, December 2020', I consider the proposed development complies with all relevant SPPR's and the majority of the requirements of the 2020 Apartment Guidelines.

#### 8.4. **Traffic Impact, Roads & Entrance and Parking**

- 8.4.1. The third party grounds of appeal generally relate to the proximity of the proposed entrance to the existing entrance of the Portcarron housing estate. The appellants generally contend that due to the multiplicity of entrances and narrow nature of the road along this section of the Ballymoneen Road, the commercial nature of the development and the resulting increased traffic movements to and from the site, will create a dangerous, complicated and staggered T-junction. They argue that the Traffic & Transport Assessment, Road Safety Audit and Auto-track analysis submitted by the applicants are deficient and do not thoroughly consider the nature of the road and the Portcarron entrance.

8.4.2. Galway City Council raised roads related concerns from the proposed development through a Further Information request including provision of an on-line cycle lane on Ballymoneen Road, requesting a new Traffic and Transport Assessment (TTA) and an updated Stage 1 Road Safety Audit from the one submitted with 17/30 taking into consideration 19/366, 19/367, and 19/368. Following the submission of the FI request and a subsequent CFI request relating to car parking, the planning authority recommended a grant of permission. It is noted that an on-line cycle lane on Ballymoneen Road has not been provided.

8.4.3. *Proposed entrance, Portcarron estate entrance and compliance with Design Manual for Urban Roads and Streets (DMURS)*

The proposed entrance to the site is located c. 75m south of the Blake Road Roundabout on the western side of the Ballymoneen Road. The entrance is located c. 5m south and opposite the existing entrance to Portcarron estate. The third party appellant's concerns generally relate to the proximity of these entrances creating a staggered junction and the implications of traffic turning manoeuvres from.

8.4.4. The Ballymoneen Road is narrow single carriageway and evidently there are no right turning filter lanes proposed to the site and there is none into Portcarron. This in itself will act as traffic slowing/calming measure as vehicles queue while waiting for other vehicles to turn right when necessary.

8.4.5. The application will require road improvement measures (a Specific Development Objective of the Development Plan) including setting back the original roadside boundary (currently hoarded) and providing a public footpath along the western side of the Ballymoneen Road. Following a request for FI the applicants have submitted a drawing showing visibility splays of 49m in both directions set back 2.4m from the road edge based on a design speed of 50kph. This is in accordance with Section 4.4.5 Visibility Splays and Table 4.2 of DMURS – '*Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.*' I am satisfied the proposed entrance will provide a safe access in this regards.

8.4.6. The application proposes a corner radii of 4m as shown in the swept path analysis drawing submitted at FI stage which allows for crossing over the white line for few larger vehicles accessing local roads. This appears to be in accordance with section

4.3.3 and Fig 4.43 of DMURS. Galway City Council's Transport Department have raised no concerns in this regard.

8.4.7. In response to FI and the appeal the applicants have submitted auto-track analysis for larger vehicles including Fire tender, Ambulance, Light Van and Waste Collection vehicles. This analysis shows north and south turning manoeuvres from the proposed entrance for these vehicles. Fire tender and Ambulance over runs of the proposed centre line are identified and it is stated this accords with DMURS section 4.3.3. In response to the appeal the applicants have also submitted auto track analysis for large cars turning north and south from the Portcarron estate junction. Having reviewed section 4.3.3 of DMURS Corner Radii and Figure 4.43 I have no concerns in this regard. I am satisfied the proposed development will not impact significantly upon the existing access and exit arrangements from this estate.

8.4.8. Transport and Traffic Assessment (TTA)

The applicants have submitted a TTA in response to the FI request from the Planning Authority. The TTA details that the methodology of this assessment was discussed with Galway City Council's Roads Department in advance of its submission. The TTA notes that due to the Covid 19 pandemic and its associated restrictions it was not possible to procure up-to-date traffic survey data. In lieu of this, consideration was given to traffic survey data from the Traffic Assessment submitted for 17/30 which included traffic survey data from November 2016 at the junction of the Ballymoneen Road and the Western Distributor Road. The TTA specifically states, it was not possible to collect any additional survey data which could be relied upon, particularly for any of the existing housing estates on the Ballymoneen Road.

8.4.9. As the survey data is from 2016, the TTA accounts for natural traffic growth since then, up to an estimated opening in 2023 and a 'design year' of 2038 using Transport Infrastructure Ireland growth factors. The assessment is based on cumulative development under PI. Ref. No's 17/30, 19/366, 19/367 and the current application. Trip generation estimates are based on the TRICS database and the trip rates contained in the traffic assessment submitted with 17/30 which was based on the survey data of the adjacent Leargán estate to the west. The TTA indicates that allowance has also been made for traffic associated with Coláiste na Coiribe located



north of the site and constructed after the 2016 survey. The assessment considered the 'Do-Something and Do-Nothing Scenarios. The TTA clearly details that no allowance has been made for any likely benefits that may accrue should the Galway City ring road be permitted and build and includes for impact during construction and during operation.

- 8.4.10. Page 26 of the TTA deals specifically with 'Additional Junctions on Ballymoneen Road' and repeats the current difficulties in relation to gathering traffic data from estates such as Portcarron. However based on available data the TTA considers that the proposed development will have a negligible impact on the operation of other junctions and entrances on the Ballymoneen Road.
- 8.4.11. The TTA indicates that the proposed development will complete a footpath on the west side of Ballymoneen Road and provide a bus shelter as part of the overall development of the lands. The Ballymoneen Road is identified as a feeder route in the Galway Transport Strategy (Appendix F Cycle Network and Infrastructure Development- F4.1 Knocknacarra South) and the GTS does not detail a requirement for a cycle lane on this road.
- 8.4.12. The TTA concludes that no mitigation measures are required from a roads capacity point of view and the development will have little impact on the operation of the local network.
- 8.4.13. Having regard to the above and in particular the difficulties in carrying out an up-to-date and accurate traffic study during the period of a Pandemic, I am satisfied that the scope, assumptions, allowances and traffic forecasts used to inform the submitted TTA are reasonable in order to review the potential transport impacts of the proposed development on the existing transport network, public transport, cycling and pedestrian networks. The information submitted in the TTA appears detailed, robust and generally adheres with Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines May 2014'. Galway City Council's Transportation Department have raised no concerns.
- 8.4.14. The proposal is an amendment to a permitted application 17/30 (ABP-300032-17) and provides for 15 residential units, a restaurant, medical centre, pharmacy, convenience store and a coffee shop. These uses are appropriate for the land use zoning as set out in the Development Plan. The plan also includes Specific

Development Objectives for a 'Local Centre' on the site, and for 'Bus Routes' and 'Primary Cycle Network' along the Western Distributor Road and 'Bus Routes' and 'Road Improvements' along the Ballymoneen Road.

8.4.15. The proposal is considered an appropriate development for the zoning of the site, will provide road improvements including a public footpath along the eastern boundary of the site and will facilitate the provision of a bus stop/shelter just south of the application site in lands within the applicants control and as part of the parent permission. The submitted Transport and Traffic Assessment demonstrates the proposed development is not of a size or type that will generate significant additional trips on adjoining transport infrastructure that would necessitate changes to the road layout or public transport services in the area. The TTA details that the existing road network has the capacity to cater for the proposed development in the short and long term. Accordingly I am satisfied the proposed development will not have a significant impact upon the local road network.

8.4.16. *Stage 1 Road Safety Audit (RSA)*

The applicants have submitted an updated RSA in response to the FI request from the Planning Authority. The originally submitted RSA was undertaken for 17/30 and needed to consider subsequent applications including 19/366, 19/367 and the subject application. The impact of all these applications from the Blake Roundabout to the Monalee Manor estate south of the application site was to be considered.

8.4.17. An RSA involves the evaluation of the proposed development to identify road safety concerns, to make proposals to address such concerns and to identify potential hazards to all road users. The submitted RSA recommend seven measures including warning signage and double yellow lines along the Ballymoneen Road. These are identified on submitted drawing K421-OCSC-XX-XX-DR-C-0710-S8-P10.

8.4.18. The Planning Authority's Transportation Report details that an RSA has been provided with results incorporated within the proposal. No concerns are raised in this regard.

8.4.19. Having reviewed the submitted RSA I am satisfied that matters arising from and affecting the proposed development that may have an adverse bearing on road safety have been identified and adequate proposals to identify same have been proposed. I note the concerns raised by the appellants in relation to the speed of

traffic travelling south from the Blake Roundabout. However I concur with the applicants that this is not an issue that can be attributed to the proposed development. The provision of a raised pedestrian crossing/speed ramp just south of the proposed entrance and as indicated in the submitted drawings should contribute to slower speeds in this regards.

#### 8.4.20. Car Parking

Following a request for FI and CFI the applicants have proposed 94 car parking spaces for the proposed development. They propose the following breakdown in accordance with Table 11.5 of the City Development Plan and section 4.18 of the Apartment Guidelines-

- 1 space per residential unit
- 1 visitor space per 4 residential unit
- Restaurants, Pharmacy, Convenience Store, Coffee Shop 1 space per 15m<sup>2</sup> gross floor area
- Surgeries, Clinics, Group Medical Practices 2 spaces per consulting room

The applicants have also submitted a car parking allocation drawing in which they indicate an overall requirement of 103 spaces. The application proposes 94 spaces giving a shortfall of 9 spaces. The applicants argue this shortfall is not significant and point to the proximity of the site to public transport linkages in the area and provision of a bus shelter (approved under the larger development site) to justify the shortfall. The applicants make the case that there is potential for dual uses of parking spaces given the proposed nature of uses to the site.

Having considered the above I am satisfied the shortfall of 9 spaces is not significant and generally the proposed development provides adequate car parking to cater for the development in this context.

#### 8.4.21. Conclusion

The road safety concerns of the appellant are acknowledged. However, given the location of the site within an urban area on zoned lands, together with the nature of the uses proposed and the permitted development already on the site, I do not have undue concerns in relation to traffic, transportation or road safety issues. I

acknowledge that there will be some increased traffic as a result of the construction and operation phase of the development. However, the construction phase will be temporary in nature and it is recommended that a Construction Management Plan should be conditioned, to be agreed with the planning authority, prior to the commencement of any works on site. The increase from the operational phase is justifiable given the zoned nature of the site and the fact the site will be served with public transport, with a 'Primary Cycle Network' identified along the Western Distributor Road. Having regard to all of the above, I am satisfied the proposal would not lead to the creation of a traffic hazard, obstruction of road users or endanger public safety and I consider the proposal to be acceptable in this regard

## **8.5. Appropriate Assessment**

- 8.5.1. Having regard to the nature and scale of the proposed development i.e. amendments to part of the site of an already permitted development, the distance from the nearest European site and the fact the site is connecting to existing public services, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **9.0 Recommendation**

- 9.1. I recommend that permission is granted subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Galway City Development Plan 2017-2023, the extant parent permission on the site PI. Ref. No. 17/30 (ABP-300032-17), other permitted amendment applications to that permission including 19/68, 19/208, 19/366 and 19/367, the character of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 10<sup>th</sup> day of July 2020 and by the further plans and particulars received on the 24<sup>th</sup> day of September 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 developer shall comply with all conditions of the parent application Reg. Ref.: 17/30 & ABP-300032-17 as subsequently amended under Reg. Ref.: 19/68, 19/208, 19/366 and 19/367 save for amendments made by this application.

Reason: In the interest of clarity.

3.
  - a. The opening hours of the restaurant and coffee shop shall be agreed in writing with the Planning Authority.
  - b. The restaurant and coffee shop shall not operate as a take away unless authorised by a separate grant of planning permission.
  - c. The restaurant shall not operate as a public house unless authorised by a separate grant of planning permission

Reason: In the interest of orderly development and the residential amenities of property in the vicinity.

4. Details, including samples (where appropriate), of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. Details of all external shopfronts and signage throughout the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

6. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters 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.

- a. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.
- b. All loading and/or unloading shall take place within the site and not from the Ballymoneen Road or the Western Distributor Road.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

9. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10.

- a. One car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased.
- b. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. 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, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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. 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 in which the site is situated.].

Reason: In the interest of sustainable waste management.

13. 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 both the commercial and residential elements of the development, 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.



14. 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.

15. 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.

16. No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.

Reason: In the interest of orderly development and to control the layout and scale of the development in the interest of protecting the vitality and viability of the area.

17. The landscaping scheme shown on Drawing No. 19233-2-101, as submitted to the planning authority on the 10<sup>th</sup> day of July, 2020 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

18. 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 any of the residential or commercial units are made available for occupation.

Reason: In the interest of public safety and visual amenity.

19. 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 development in the interest of residential amenity and orderly development.

20. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

21. The developer shall control odour emissions from the restaurant and café 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.

22. 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.

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

Reason: In the interest of public health.

24. 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.

25. 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.

26. 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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Adrian Ormsby  
Planning Inspector

19<sup>th</sup> March 2021