



An  
Bord  
Pleanála

## **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report ABP-310348-21**

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#### **Strategic Housing Development**

345 apartments that would be built to rent, and a neighbourhood centre with shops, a creche, a fitness facility and a primary care medical centre, proposed as an amendment to the development permitted under ABP-304928-19

#### **Location**

Monivea Road, Mervue, Galway

#### **Planning Authority**

Galway City Council

#### **Applicant**

Crown Square Developments Ltd

#### **Prescribed Bodies**

Irish Water

Transport Infrastructure Ireland

**Observers**

Cllr Owen Hanley  
Wellpark Grove Residents'  
Association  
Monivea Road Residents' Association  
Pearse Avenue and Mervue Residents  
Gerard Walsh

**Date of Site Inspection**

12<sup>th</sup> August 2021

**Inspector**

Stephen J. O'Sullivan

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## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 2.0 Site Location and Description

- 2.1. The site is in a suburban part of Galway approximately 2 km north east of the city centre. It lies at the junction of Joyce's Road and the Monivea Road (R339) in the Mervue area. It has a stated area of 5.1 hectares. It is described as the former 'Crown Equipment Site'. It is currently a building site with construction work is occurring across the site. The structures of several buildings at the western end of the site are nearing completion. As set out at section 4.4 below, permission was granted in 2007 to demolish an existing industrial building on the site and build a mixed-use development. Works carried out on foot of that permission included the excavation of the overall site to formation level and the construction of part of the basement structure and part of a south western block to ground level. There were subsequent grants of permission for offices and a hotel on the western part of the site. Lands to the north, east and west of the site are characterised by industrial and commercial development including the IDA Business Park / Mervue Industrial Estate and the Eircom Telecommunications Site immediately to the east that includes office buildings up to 7 storeys high. There is an established residential area to the south on the opposite side of the Monivea Road with one- and two-storey houses.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 345 apartments of which –
- 86 would be one-bedroom units with floor areas from 46m<sup>2</sup> to 56m<sup>2</sup>
  - 240 would be two-bedroom units between 73m<sup>2</sup> and 85m<sup>2</sup>
  - 19 would be three-bedroom units between 100m<sup>2</sup> and 109m<sup>2</sup>

The apartments would be built for rent. Shared amenity rooms of 749m<sup>2</sup> would be provided. The floor area of the residential element of the proposed development is stated to be 33,014m<sup>2</sup>.

- 3.2. The proposed development would provide 2,538m<sup>2</sup> of non-residential floorspace including 997m<sup>2</sup> of retail space in 6 shops, 303m<sup>2</sup> for a creche, 243m<sup>2</sup> for a fitness centre and 995m<sup>2</sup> for a primary medical centre.
- 3.3. The proposed housing development is described as an amendment to the strategic housing development of 288 apartments previously authorised under ABP-304928-19 on 30<sup>th</sup> October 2019. Its access and parking arrangement would be integrated with the office and hotel development that is authorised on the western part of the site under Reg. Ref. Nos. 18/363 and 20/292.
- 3.4. There would be 4 blocks in the proposed development occupying the eastern part of the site. Block J would face the Monivea Road. It would present an elevation 5 storeys high to that road. It would contain accommodation over 6 storeys, with the proposed retail floorspace on the ground floor level having frontage on to the street and the medical centre at upper basement level with access from the rear of the block. 48 apartments would be provided from first floor to fourth floor level. The other blocks would have accommodation over 10 floors. Residents' amenity rooms would be provided at lower basement level in Blocks H1, H2 and G. The proposed fitness centre would be at lower basement level in Block H2, while the proposed creche would be at that level in Block G. Blocks H1, H2 and G would have apartments from the upper basement level to the seventh floor. Plant rooms would be provided above the highest floor of accommodation in each block. The highest part of the proposed buildings would be c30m over the level of the Monivea Road in front of the site.
- 3.5. Open space would be provided in the development at different levels. A linear park and walkway would be provided along the north of the apartment blocks at ground floor level, which would be similar to the level of the Monivea Road. It is proposed that public access will be made available to that park although it will be privately owned and gated. Terraces would be provided at the upper basement level to the rear of Block J between it and Blocks H1 and H2, and in the western part of the

development near Block G. Communal open spaces for the residents of the apartments would be provided at lower basement level.

- 3.6. Access and parking arrangements for the proposed housing would be integrated with the office and hotel development authorised on the western part of the site. Both would use vehicular entrances from Joyces Road and the Monivea Road. The latter entrance would be beside the western side of the proposed Block J, leading to a ramp that would descend to the lower basement level. This would give access to the basement car parking across the overall site and to surface roads beside the proposed apartment blocks. The latter roads would provide access to car parking at lower basement level below Block J, as well as to 13 car parking spaces near the apartment blocks that would be for the use of a car club as well as a set down area near the proposed creche. 138 car parking spaces at the lower basement level would be allocated to residents of the proposed apartments. Another 109 spaces would be shared between the residents of the proposed apartments and the users of the authorised offices.
- 3.7. A separate ramp for pedestrians and cyclists would descend from the Monivea Road to the upper basement and lower basement levels. Bicycle storage facilities are shown at lower basement level underneath or beside Blocks J, H1, H2 and G, as well as at upper basement level beneath the neighbouring office buildings and hotel. The pedestrian/cycle ramp would also provide access to the terrace at upper basement level in the western part of the housing development and the linear open space along the north-western and north-eastern sides of the site. The bicycle storage across the overall site is stated to be sufficient to accommodate 1,200 bikes.
- 3.8. Pedestrian access from the public street would also be available from the Monivea Road on the western side of Block J and through an opening at ground floor level through that building. The linear park would have a walkway with access from the Monivea Road and from Joyces Road. The doors of the apartment building could be reached from these pedestrian entrances via steps in the open spaces within the housing scheme or via the bicycle/pedestrian ramp and then beneath the vehicular entrance ramp to the basement car park.

## 4.0 Planning History

- 4.1. ABP-304928-19: An 30<sup>th</sup> October 2019 the board granted permission for a strategic housing development on the northern part of the site that would provide 288 apartments and c4,000m<sup>2</sup> of other floorspace including a primary care centre, creche, fitness centre, a restaurant and shops. The layout of the permitted development is similar to that currently proposed, but the vehicular entrance from the Monivea Road would be to the east of proposed Block J and car parking would extend across the overall site at lower basement level beneath the open space and pedestrian accesses to the apartments provided at upper basement and ground floor level. The J block would have 5 floors of accommodation from the ground floor up, the H blocks would have 7 and the G block 8, reaching a maximum height of c28m over the level of the Monivea at the front of the site. The apartments were not described as build to rent. The board's decision was made after an environmental impact assessment and appropriate assessment of the development had been completed. Condition no. 2 stated that the period of the permission was 7 years from the date of the order. The other conditions of the permission did not substantially amend the proposed development.
- 4.2. Reg. Ref. 18/363 – the council granted a 7 year permission on 1<sup>st</sup> May 2019 for a development on the southern part of the current site including 40,405m<sup>2</sup> of office accommodation in 5 blocks up to 6 storeys high and a hotel of 8,675m<sup>2</sup> up to 5 storeys high. The development permitted under this permission includes a double basement with car parking and other facilities across the site that would extend beneath the permitted apartments in the eastern part of the site.
- 4.3. Reg. Ref. 20/292 – the council granted permission on 26<sup>th</sup> February 2021 for amendments to the permission granted under 18/363 which involved the reduction in the extent of the basement car park and a different vehicular access point from the Monivea Road. The layout permitted under this permission corresponds to that shown on the drawings of the current SHD application.
- 4.4. ABP Ref. PL 61.220893. Reg Ref. 06/223 – the board granted permission on 20<sup>th</sup> August 2007 for a mixed-use development (56,751 sqm) on the Crown Equipment Site (5.12 ha), consisting primarily of bulky goods retail, offices, 134 residential units, motor sales, hotel, leisure centre, crèche and food court with some small-scale retail

uses for local needs. The development was two storeys over double basement along Monivea road, rising to four storeys over double basement towards the north western and north eastern perimeter of the site. Vehicular and pedestrian access from Joyces Road only. Permission was granted subject to conditions and extended under Ref. 12/277. As detailed above, works were undertaken on foot of this permission, but the development remains unfinished.

## 5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place on 24<sup>th</sup> February 2021 in respect of a proposed strategic housing development on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy & Phasing
2. Residential Amenities (Daylight/Sunlight, Micro Climate Analysis)
3. Parking Strategy and Management
4. Any Other Business.

Copies of the record of the meeting and the inspector's report are on this file.

5.2. The board issued an opinion on which stated that the submitted documents constituted a reasonable basis for an application for strategic housing development.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission –

1. Clearly identify on the plans and particulars elements of the development of the site (Galway City Council Reg. Ref. 20/292) which have been permitted under Section 34 of the Planning and Development Act 2000, as amended that do not form part of the application proposed under the remit of Strategic Housing Development.
2. A detailed phasing plan.
3. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on



Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

4. A report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built) and within the proposed development and include mitigation measures, where required.
5. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.
6. A justification/rationale for the Carparking Provision (or lack of) associated with the proposed Build to Rent Apartments. Also, a site layout plan which clearly identifies the car and bicycle parking within the wider Crown Square redevelopment site. A draft Mobility Management Plan is also required.
7. A microclimate analysis.
8. Sunlight/Daylight Assessment
9. Response to issues raised in the PA Opinion received by An Bord Pleanála on the 1st February 2021.
10. A draft Construction Management Plan and a draft Waste Management Plan.

11. Where the prospective applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
13. Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the Planning Authority may seek at application stage (noting the contents of the report/comments from the Recreation & Amenity Department dated 12th January 2021 of the Planning Authority) and indicate at application stage if such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such condition.

#### **5.4. Applicant's Statement**

- 5.4.1. In relation to item 1 the statement of response says that the submitted drawings show a dashed line and shading to indicate the extent of development on the site authorised by permissions issued by the council. In relation to item 2 the statement refers to three of the submitted drawings. In relation to item 3 the statement says the housing quality assessment is in the architectural design statement. In relation to item 4 the issue is addressed in the architectural design statement. In relation to item 5 the statement refers to the submitted drawings and photomontages. In relation to item 6 the applicant refers to the submitted drawings on parking allocation and the draft mobility management plan. The microclimate analysis requested under item 7 is at appendix 5 of the architectural design statement, while appendix 3 has

the daylight and sunlight analysis requested by item 8 of the board's opinion. A general response is given to the item 9 that refers to the PA's submission on the pre-application submission. Ongoing supervision of the use of the overall car parking by the management company is regarded as preferable to the dedication of more spaces to the apartments. Draft plans for the management of construction and waste are submitted in response to item 10. A material contravention statement in relation to the development plan's car parking standards is submitted in line with item 11 of the request. An EIA screening report is submitted in line with item 12. In relation to the special development contribution towards public parks raised by the council at pre-application stage and item 13 of the board's request, the applicant submits that it would provide adequate private and communal open space for the residents of the proposed development. In addition to those spaces it would provide a linear open space that the public would have access to. So the board is requested not to impose a special contribution on any permission that it might grant.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 2a is a target that 50% of future population and employment growth would be the cities and their suburbs, and objective 3b is that at least 50% of new homes in those cities would be within their existing footprints. Objective 8 refers to table 4.1 which sets a target that Galway's population would grow from 80,000 to at least 120,000 by 2040. Infill opportunities to intensify housing in the inner suburbs is stated to be a key growth enabler for the city. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9

recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.9 states that residential development on infill sites in inner suburban areas needs to strike a balance between the protection of the amenities of adjoining dwellings, the established character of the area and the need to provide residential infill. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in December 2020. Section 2.4 states that intermediate urban locations are generally suitable for development at densities of more than 45 dph that are wholly or partly comprised of apartments. This type of site would include those within 400-500m of urban bus services with frequency of at least 15 minutes at peak times. The guidelines contain several specific requirements with which compliance is mandatory, only some of which are relaxed for build-to-rent schemes. Appendix 1 sets out a minimum floor area of 45m<sup>2</sup> for one-bedroom apartments, and 73m<sup>2</sup> for two-bedroom apartments and 90m<sup>2</sup> for three-bedroom apartments. Section 5 of the guidelines refers to Build-to-Rent accommodation. SPPR 7 states that proposals for this type of development should be explicitly described as such and provide detailed proposals for supporting communal and recreational amenities. SPPR 8 says that there would be no restriction on dwelling mix in such schemes, that there would be flexibility on standards that would otherwise apply on storage and amenity space, the number of apartments per core and exceedance of the minimum floor area in 10% of apartments. It also states that there shall be a default of minimal or significantly reduced car parking for BTR schemes. Section 6.6 of the 2020 Apartment Design Guidelines states that Planning Authorities should have regard to quantitative performance approaches to daylight provision outlined in the BRE guide “Site Layout Planning for Daylight and Sunlight (edition 2) or BS 8206-2:2008 “Lighting for Buildings Part 2: Code of Practice for Daylighting”. The applicant’s assessment of daylight and sunlight relies on the aforementioned standards, the results of which are considered below.

6.1.4. The minister issued Guidelines on the Regulation of Commercial Institutional Investment in Housing in May 2021 which referred to the ‘build-to-rent’ provision of

the apartment design guidelines, stating that it was envisaged to apply to higher density apartment schemes in established urban areas. These guidelines recommend the imposition of conditions restricting the sale of new houses and duplexes, but stated that they would not apply to applications where the proposed development had been advertised as build-to-rent.

- 6.1.5. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.1 states a government policy that building heights must be generally increased in appropriate urban locations includes city cores and other locations with good public transport accessibility. Development management criteria are set out in section 3.2 at the scales of the city, neighbourhood and site.
- 6.1.6. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

## 6.2. Local Policy

- 6.2.1. The Galway City Development Plan 2017-2023 is the relevant statutory development plan. The site is zoned CI with an objective to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. The zoning table in Section 11.2.6 of the Plan lists “uses which are compatible with and contribute to the zoning objective” and “uses which may contribute to the zoning objectives, dependant on the CI location and scale of development”. Under the latter “Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2” is listed.
- 6.2.2. There is a specific development objective for the site at Section 11.2.6 which states the following: “Former Crown equipment Site zoned CI. The majority of retail floor space shall be dedicated for bulky goods retailing and the balance for local retailing needs. Parking shall be kept back from Monivea Road and separated from the Monivea Road by buildings. The design of frontage facing Monivea Road shall be of high architectural standard”.

- 6.2.3. Section 2.2 of the plan supports the implementation of the council's housing strategy and states *inter alia* that it will support a diverse range of housing types, size and tenures within housing developments in the interests of countering undue segregation and to allow for choice of community, for all persons irrespective of age, culture, social background or ability
- 6.2.4. Section 2.4 of the plan *Neighbourhood Concept* encourages the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. The policy seeks to protect and enhance new / existing residential neighbourhoods in the city. The site is within the 'Established Suburbs' defined in Table 2.1.
- 6.2.5. Policy 2.6 for Established Suburbs seeks to "ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development" and to "encourage additional community and local services and residential infill development in the established suburbs at appropriate locations".
- 6.2.6. Policy 2.5 refers to the city's outer suburbs. It states *inter alia* that the layout of residential developments must have regard to adjoining developments.
- 6.2.7. Section 6.3 of the City Plan includes the retail strategy. There is a neighbourhood centre designation on the site.
- 6.2.8. Section 8.7 sets out policy in relation to urban design and building height. In relation to building height it states that the city is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height. However it is recognised that modest increases at appropriate locations can help use land efficiently and provide for sustainable high densities.
- 6.2.9. Section 11 of the plan has a map that defines the extent of established and outer suburbs. The site is in the established suburbs. Section 11.3.1 and 11.3.2 outlines general development standards and guidelines for developments in the Established Suburbs. Section 11.3.2 (c) sets the car parking standard for established suburbs of 1 space per dwelling for grouped parking. It states that these standards should not be exceeded. Table 11.5 sets parking standards for other uses including 1 space per 15m<sup>2</sup> for shops, 1 space per 50m<sup>2</sup> for leisure centres and 1 space per 20m<sup>2</sup> for childcare facilities. Section 11.10.1 says that a reduction in parking standards may

be accepted where an application has a travel plan that demonstrates alternative methods of dealing with traffic generation from a proposed development.

### 6.3. Statement of Consistency

- 6.3.1. The submitted statement of consistency says that the objectives NPO2(a), 4, 5 6 and 13 are relevant to the proposed development. It would comply with DMURS. It would be in keeping with section 3.1 of the 2018 Building Height Guidelines that generally support higher buildings in urban areas. It would comply with section 2.4 of the 2020 apartment design guidelines including with SPPR7 and 8. The submitted architectural design statement sets out how it would comply with the 2009 guidelines on sustainable residential development in urban areas. A childcare facility would be provided in accordance with the 2001 guidelines on that topic. The site is in flood risk zone C under the 2009 guidelines on flood risk management where residential development is acceptable in principle. The proposed retail floorspace would form a neighbourhood centre under section 4.11.6 of the 2012 retail planning guidelines.
- 6.3.2. The statement says that the proposal for 345 homes would be in keeping with the RSES which seeks the compact growth on Galway and the location of 50% of new homes on the existing footprint of settlements. The provision of a mobility management plan would be in keeping of the Galway Transport Strategy.
- 6.3.3. The statement says that only 38% of the floorspace on the site would be residential, so the proposed development would be in keeping with the CI zoning of the site under the development plan. The plan's core strategy identifies a need for 8,043 homes by 2022 to meet the city's target population, but only 882 had been provided by Q1 of the 2021. So the proposed development of 345 homes would be in keeping with the core strategy. There is a need for more housing for smaller households, so the proposed housing mix is appropriate. 8,325m<sup>2</sup> of open space would be provided, along with 2,281m<sup>2</sup> of private amenity space. The proposed development is not significantly different from the permitted SHD scheme in relation to its potential impact on the residential amenity of adjacent property. The development would generally comply with the BRE guidance of daylight and sunlight, as demonstrated by the submitted analysis. The windows on the houses across the Monivea Road would maintain a vertical sky component of at least 27%. The proposed open space would have at least 2 hours of sunlight over 70% of their area on March 21st. 74% of

the living rooms/kitchens in the scheme would have an average daylight factor of 2% or more, 89% would be above 1.5% and 97% would be above 1%. A schools capacity analysis gives the enrolment numbers of nearby schools. A microclimate analysis shows that 90% of balconies would meet Lawson's criterion for sitting out.

- 6.3.4. The applicant states that the provision of car parking would not meet the standards set out at section 11.3.1(g) and 11.3.2(c) of the development plan which require one space per dwelling. A statement to justify the material contravention was therefore submitted and advertised. The statement says that the proposed development be of strategic importance under section 37(2)(b)(i) of the planning act as the provision of housing is a strategic goal of government policy set out in Rebuilding Ireland. In relation to section 37(2)(b)(ii) section 11.10.1 of the development plan it states that a reduction in car parking standards may be acceptable when an application includes a Travel Plan. The proposed development will be part of a larger scheme with a basement car parking that will be managed in conjunction with the authorised office and hotel. In relation to section 37(2)(b)(iii), the proposed reduction in car parking below development plan standards would be in keeping with NPO 13 of the NPF and SPPR 8 of the apartment design guidelines which states that there shall be a default or minimal or significantly reduced car parking on the bases of BTR development being more suitable for central locations or near public transport services.

## **7.0 Third Party Submissions**

- 7.1. 5 submissions on the application have been received. They can be summarised as follows-
- 7.1.1. The submission from Cllr Owen Hanly states that the housing market in Galway needs a range of apartments at affordable prices including 1-and 2-bedroom units. The site is relatively close to the city centre and represents an opportune chance to address these larger concerns. The area of Mervue is an established suburb with different demographic demands. The new proposal will introduce further pressure on resource. Additional transport, community and recreational facilities are required. These are real limitations to the development of any area. Should the proposal go ahead conditions should be attached that:
- Allocate a proportion of apartments to owner occupiers



- Control long term vacancies and prohibit short-term letting
- Levy an additional contribution levy for public transport initiatives to justify the material contravention of car parking standards
- Provide more community facilities at ground floor level
- Bike parking in convenient sheltered locations
- Provide better green spaces and ensure that stairs do not constitute inaccessible design
- A management company with suitable capacity to support intense high rise development
- Provide green outdoor space and solar panels at roof level

7.1.2. The submission from the Wellpark Grove Residents' Association objects to the proposed development. It contravenes the development plan and the allocation of 138 car parking spaces to 345 apartments is totally inadequate. There is no indication of visitor car parking spaces. The provision of 1,200 bike spaces reinforces a cynical masking of reality. The proposed development would exacerbate the existing traffic congestion in the area. Vehicular traffic would impact the Wellpark Road from Thermo King to the Moneenageisha crossroads. It questions whether all other development in the area has been taken into account, all of which would generate traffic on a two lane road without a bus or cycle lane. The development demonstrates the absence of best practice in design and planning with little regard to its impact on the lives, health, safety and welfare of people and the environment.

7.1.3. The submission from the Monivea Road Residents' Association states that it has serious concerns about some aspects of the proposed development. The proposed Block J will be 6 storeys high and 24m from the front wall of the older houses on Monivea Road, and will therefore overbear on the houses and injure their privacy. The plaza and balconies at the front of that block would have a significant potential for noise and disturbance, especially at night and in the evenings, in what is a quiet neighbourhood. It is a concern that the occupation of the retail units has not been specified. The balconies on the front of block J should have barriers that are 1.8m high to avoid overlooking. The bus stop should be moved to the end of the retail

units. More dense planting should occur in the space in front of the shops to improve its appearance and control parking.

7.1.4. The submission from Pearse Avenue and Mervue Residents state that they have a strong objection to the proposed development that will have a serious negative impact on their standard of living. Specifically objections relate to

- The development would create a traffic hazard due to traffic movements that it would create near uncontrolled junctions. It would exacerbate traffic congestion and threaten the safety of pedestrians and cyclists including children and older people. The issue of the proximity of an additional single vehicle access to the junction of McDonagh Avenue and Monivea Road was an issue in previous applications.
- There would be insufficient parking for an area where only 27% of residents travel to work or school by sustainable modes. The overflow of parking demand would create haphazard parking and traffic hazards along narrow streets at Pease Avenue and Mervue.
- The proposal that all units would be built to rent contravenes section 2.2 of the development plan. The board should ensure a wider mix of tenures in the development.
- The tall buildings would overshadow and overlook the bungalows and two-storey houses in the area. In particular the evening sunlight available to those houses would be reduced. The development would be out of keeping with the character of the area and would affect the perceived level of security for residents. The loss of trees on the Monivea Road would injure the character of the area.
- The proposed development would lead to greater noise from increased traffic and footfall. Residential streets in the area would be used as rat runs to avoid traffic congestion during construction on the Monivea Road.
- The change in the access and drop off points on the Monivea Road is a serious safety concern due to the increase in heavy vehicles accessing that road and adjacent areas. The drop off points will give rise to traffic congestion and safety concerns especially for pedestrians. There is only one crossing point on this road which is not sufficient for a development of this scale.

7.1.5. The submission from Gerard Walsh objects to the proposed development on the following grounds –

- Mr Walsh does not object to the development of the site, but the proposal for buildings up to 9 storeys high would be out of keeping with the character of the existing outer suburban fabric of Mervue and so would contravene the zoning of the site and the provisions of the development plan for such areas in section 2.5 of the plan.
- The proposed development is directly across the road from Mr Walsh's house on Monivea Avenue in an established line of houses. The height of the proposed development is excessive and it will tower over the existing houses with external balconies injuring their privacy contrary to sections 11.3.1(d) and 2.5 of the development plan.
- The mass, scale and density are objectionable. The latter does not meet the densities required under the development plan.
- The proposal for higher density apartment developments contravenes section 2.6 of the development plan.
- The provision of 345 apartments here will have a serious and devastating impact on the traffic on already very busy roads. The proposed development would equate to upwards of 2,500 daily traffic movements on substandard infrastructure.

## 8.0 Planning Authority Submission

8.1. The submission from the council did not include a report from the relevant area committee of elected members. The Chief Executive's report can be summarised as follows –

- The planning history of the site and the submissions on the application are described.
- The planning history of the site provides a legacy of significantly sized residential development including apartments, so the principle of a substantial residential development is well established, previously permitted and open for consideration on these zoned lands. The inclusion of residential development

was considered acceptable under the prior grant of permission for a strategic housing development. The proposed increase in the number of homes would fit with the provisions of the development plan and would not detract from the overall use of the site for commercial purposes. So the proposed development would be in accordance with the zoning of the site.

- The proposal that the apartments on the site be built to rent would be acceptable in principle. However a mixture of tenure would be more appropriate in line with policy 2.2 of the development plan and a proportion of the apartments should be set aside for owner occupiers.
- The site is in the established suburbs of the city as designated in the development plan. It is reasonable to use the entire site area to calculate density and plot ratio. The density is not excessive having regard to the site's proximity to the city centre, places of employment and public transport and the apartment guidelines. The proposed changes in the commercial floor area are minor.
- The increase in height is acceptable. The additional levels and apartments would not adversely impact on the surrounding area. The site is set below street level and buildings on adjacent sites have multiple levels some of which exceed the height of the proposed structures. There is not issue with the finishes and materials which maintains the contemporary ones on the permitted development.
- The proposed development is not within a protected view of special amenity or interest.
- The submitted screening reports are noted. The board are the competent authority on EIA and AA
- An outline of conditions that should be attached to any grant of permission are provided, including that an unspecified proportion of the apartments should be 'owner occupier' and that 247 car parking spaces should be permanently allocated to the proposed apartments with the car parking for the offices reduced to 539, and an outdoor amenity with covered seating be provided for teenagers.

8.2. Copies of internal reports from the council's departments were provided as follows-

- The Transportation Section stated that it had no objection subject to conditions. Details of the revised entrance from Monivea Road need to be agreed with the council. The applicant shows how a 20m carriageway can be provided to accommodate bus and cycle lanes in accordance with the Galway Transport Strategy. The proposed alterations to the junction of the Monivea Road with McDonagh Avenue will provide tighter radii and dropped kerbs. A greater allocation of car parking to the apartments is required in line with the mobility management strategy submitted for permission 20/292 which would reduce commuting to the offices and hotel which it authorises. The allocation of parking to apartments does not encourage commuting to the same extent as its allocation to places of employment that are served by public transport. Given the overall reduction in car parking proposed under that permission and the current application compared to the previously authorised scheme, the proposed development will not lead to an increased impact on traffic. All issues identified in the Road Safety Audit have been addressed by the applicant.
- The Water Services Department stated that the surface water drainage proposals are acceptable to the council.
- The Recreation and Amenity Department stated that the landscape scheme generally aligns with the scheme for the adjoining site and the overall masterplan but some details need to be addressed including the species mix of planting along the peripheral open space that will provide a link to the Tuam Road, facilities for teenagers and the biodiversity of ornamental planting.

## 9.0 Prescribed Bodies

9.1. Irish Water stated that new connections to its networks to service the proposed development are feasible subject to certain requirements. In respect of wastewater the 675mm sewer running to the south of the development should not be compromised during construction. In relation to water supply the development must align with Irish Water's requirement for on-site storage. The preferred connection is from the main on Connolly Avenue but the suitability of the existing connection must be assessed by the developer. A statement of design acceptable has been issued to

the application. The submission recommends conditions to be attached to any grant of permission.

- 9.2. Transport Infrastructure Ireland referred to the concerns that it expressed about the impact of the authorised development, which includes 1,377 car parking spaces, on the national road network including the junction of the N6/N83 which is operating above capacity. The proposed reduction in car parking spaces addresses this concern and is a substantial improvement over the authorised proposals. The development should incorporate any interventions required to facilitate the Galway Transport Strategy

## 10.0 Screening

### 10.1. Appropriate Assessment Screening

- 10.1.1. The grant of permission for a strategic housing development that was made under ABP-304928-19 was made after an appropriate assessment of the likely significant effects of that development on the SAC at the Galway Bay Complex and the SPA at Inner Galway. That assessment concluded that the proposed development would not adversely affect the achievement of the conservation objectives of those Natura 2000 sites. As described in the inspector's report on that case, a screening exercise had determined that there were no other Natura 2000 site upon which the permitted development would be likely to have significant effects.
- 10.1.2. The conservation objectives of the two relevant Natura 2000 sites are –

<b>Galway Bay Complex SAC 000268</b>	
<b>Qualifying Interests / Special Conservation Interests</b>	<b>Conservation Objectives</b>
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Turloughs [3180]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]</p> <p>Alkaline fens [7230]</p>	<p>NPWS (2013) Conservation Objectives: Galway Bay Complex SAC</p> <p>Seek to maintain the favourable conservation condition of the following QI's in the SAC: 1140, 1160, 1170, 1220, 1310, 3180, 6210, 7210, 7230, 1365.</p> <p>Seek to restore the favourable conservation condition of the following QI's in the SAC: 1150, 1330, 1410, 5130, 1355.</p> <p>The Conservation Objectives were published in a document dated 16<sup>th</sup> April 2013 and available online at <a href="http://www.npws.ie">www.npws.ie</a>.</p>

Limestone pavements	
Lutra lutra (Otter) [1355]	
Phoca vitulina (Harbour Seal) [1365]	
<b>Inner Galway Bay SPA 004031</b>	
<b>Qualifying Interests / Special Conservation Interests</b>	<b>Conservation Objective</b>
Great Northern Diver (Gavia immer) [A003] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Shoveler (Anas clypeata) [A056] Red-breasted Merganser (Mergus serrator) [A069] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]	NPWS (2013) Conservation Objectives: Inner Galway Bay SPA seek to maintain the favourable conservation condition of all QI's in the SPA.  The Conservation Objectives were published in a document dated 1 <sup>st</sup> May 2013 and available online at <a href="http://www.npws.ie">www.npws.ie</a> .



Turnstone ( <i>Arenaria interpres</i> ) [A169]	
Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]	
Common Gull ( <i>Larus canus</i> ) [A182]	
Sandwich Tern ( <i>Sterna sandvicensis</i> ) [A191]	
Common Tern ( <i>Sterna hirundo</i> ) [A193]	
Wetlands [A999]	

10.1.13. The potential effects on those two Natura 2000 sites that were previously assessed related to the possible release of pollutants during the construction and occupation of the permitted development that could be conveyed to the Natura 2000 sites by ground water or surface water. The appropriate assessment examined mitigation measures proposed by the applicant to avoid these effects including what amounted to best practice for the handling of possible polluting substances and surface water runoff during construction, the installation of hydrocarbon interceptors and attenuation measures to control surface water runoff during occupation and the drainage of foul effluent at that stage to the city's sewers and to the wastewater treatment plant at Mutton Island prior to discharge to the bay. It concluded that the measures would fully address any potential effects of the permitted development on Natura 2000 sites and that it could therefore be ascertained that it would not adversely affect the integrity of the Natura 2000 sites.

10.1.14. The changes to the permitted development that are proposed in the current application would not increase the physical extent of the development on the site and would not alter the potential effects that were assessed in the previous application, nor would they alter measures that were previously assessed as sufficient to avoid any effect on the SAC and SPA. The development that is proposed in this application does not have the potential to have significant effects on the SAC at the Galway Bay Complex or the SPA at Inner Galway Bay, therefore, or other Natura 2000 sites. It would not be likely to give rise to significant effects in combination with other plans or projects that differ from those which have already been assessed prior to the grant of

permission under ABP-304928-19. The conclusion of this screening exercise relates to the changes that are proposed in the current application. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

10.1.15. It is therefore reasonable to conclude that on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect the Special Area of Conservation at the Galway Bay Complex sitecode 000268, the Special Protection Area at Inner Galway Bay sitecode 004031 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

## 10.2. Environmental Impact Assessment Screening

10.2.1. The grant of permission for a strategic housing development that was made under ABP-304928-19 was made after an environmental impact assessment of its likely significant effects on the environment had been completed. The conclusions of that EIA were that the main significant direct and indirect effects of the proposed development on the environment would be -

- Significant direct positive effects with regard to population and human health due to the increase in the housing stock and neighbourhood facilities.
- A direct effect on the landscape by the change in the use and appearance of a large site from brownfield/unfinished to residential and commercial. Given the location of the site within the built-up area of Galway City this is considered a direct positive effect on the receiving environment.
- Potential effects arising from noise and air emissions during construction and operational phases. Construction effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.

- Potential indirect effects on water during the construction and operational phases will be mitigated through the use of avoidance, design and mitigation measures.

The Board concluded that, subject to the implementation of the mitigation measures set out in the EIAR, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, are not considered significant and, as such, are acceptable.

10.2.2. The inspector's report on that application sets out that an EIA was required as the permitted development would be an urban development project that would be in the built-up area of a town in a business district. It was therefore within the class of development described at 10(b) of Part 2 of Schedule 5 to the planning regulations and the relevant threshold was 500 dwelling units or 2 hectares. The project that is proposed under this application would be a change to the permitted development. It therefore falls under Class 13 of Part 2 of Schedule 5, which requires an EIA if the change results in the development exceeding the thresholds set out in the other classes or if it would result in an increase of more than 25% in the development or an increase of more than 50% of the threshold. The proposed development would do neither, as it would not increase this size of the site and the increase in the number of dwellings from 288 to 345 would be 20% of the number of dwellings in the permitted project or 12% of the threshold.

10.2.3. The proposed development is therefore below the applicable threshold. Therefore, in order to determine whether the proposed development requires EIA, the criteria set out in schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The application was accompanied by an EIA screening report that includes the information set out in schedule 7A to the regulations. With reference to Section 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations, 2001 (as amended), whereby the applicant is required to provide the Board with a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment

Directive have been considered, I note that an Appropriate Assessment Screening Report has been provided in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).. A Site Specific Flood Risk Assessment has also been prepared in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 which is informed by, inter alia, the EU Floods Directive and EU Water Framework Directive. I also note the Strategic Environmental Assessments which have been undertaken of the Galway City Development Plan 2017-2023. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

10.2.4. I have completed an EIA Screening Assessment as set out in Appendix 1 of this report.

Thus, having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 13 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended),
- (b) the location of the site on land zoned under objective CI “to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone” in the Galway City Development Plan 2017-2023,
- (c) the scale and nature of the development permitted on the site under ABP-303498-19 and Reg. Ref. Nos. 18/363 and 20/292 after the completion of environmental impact assessments in respect of the permitted development
- (d) the pattern of development on the lands in the surrounding area,
- (e) the availability of mains water and wastewater services to serve the development,
- (f) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended),
- (g) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003),

(h) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

## **11.0 Planning Assessment**

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- The nature and extent of the proposed development
- Policy
- Impact on the character and amenities of the area
- The level of amenity provided for the residents
- Access and parking
- Water supply and drainage

### **11.2. The nature and extent of the proposed development**

11.2.1. The description of the development proposed in this application for permission says that it is a modification of a strategic housing development permitted under ABP-304928-19. The High Court accepted the practice of making applications for permission to modify extant permissions in the decision in *South West Regional Shopping Centre vs. ABP 2016 IEHC 84*, notwithstanding the absence of a specific provision in the planning act. The court said, at para 69 of that judgment “The application is to be assessed in the normal way but it is the proposed amendments or revisions only that are to be assessed. The parts of the development which are not modified or varied have the benefit of a valid planning permission and thus issues relating to the totality of the development (as opposed to the modifications) should not be revisited.” The current proposal would maintain most of the fundamental features of the permitted development, including its location and the layout of the apartment blocks, its integration with commercial development on the west of the site authorised by permissions granted by the council, the predominance

of apartments with ancillary commercial uses, and most of its height and architectural design. It was therefore reasonable to describe it as a modification of the permitted SHD. It is assessed as such in this report. The main relevant changes that are proposed to the permitted development can be summarised (but not exhaustively described) as follows –

- An increase in the number of apartments from 288 to 345 and a reduction in the non-residential floor area for other service uses from 4,096m<sup>2</sup> to 2,538m<sup>2</sup>.
- A stated proposal for the apartments to be built for rent under section 5 of the apartment design guidelines 2020 and the adherence to the amended standards for such schemes
- A reorganisation of the basement and ground floor levels on the site that would facilitate the construction of housing on the eastern part of the site that used the revised ramp to the car park from the Monivea Road opposite McDonagh and Clarke Avenues that was authorised by the council under Reg. Ref. 20/292
- The omission of most of the car parking beneath the permitted apartment blocks at lower basement level and the provision of a gym, creche, residents' rooms and open space at that level. This would result in a reduction of 365 in the number of parking spaces on the overall site to 1,012.
- The provision of apartments at upper basement level with a medical centre under Block J and a reduction in the extent of the open space and other facilities at this level
- A different layout of open space at ground floor level with the omission of open space on top of the structures at basement level between the apartment blocks and an increase in the width of a linear open space between the apartment blocks and the eastern end of the site.
- The installation of plant rooms on top of Blocks G and J that would raise their maximum height by 3.3m, and an additional floor and plant room on Block H that would raise its maximum height by 6.05m.

### 11.3. Policy

- 11.3.1. The proposed development would not alter the fact that the site would be largely occupied by employment and commercial uses. It would therefore be in keeping with the CI zoning of the site which allows a mix of uses including residential.
- 11.3.2. The site is part of the city's established suburbs as delineated in the development plan. It is outside the city centre and its immediate vicinity. However it would be readily accessible from the centre by sustainable transport modes, either by bus, bike or a relatively long walk. The residents of the proposed apartments could use the bus services along the Tuam and Monivea Roads, the combined frequency of which is every 10 minutes at peak times. The site is within an easy walking distance of the employment locations in Mervue and elsewhere to the north-east of the city centre, including those that are being developed on the site itself. So it would be in an intermediate urban location under section 2.4 of the 2020 apartment design guidelines. The guidelines states that such locations are generally suitable for higher density developments of apartments at more than 45 dph. The proposed development would not alter the fact that the permitted residential development on the site would be comprised wholly of apartments. It would increase the residential density on the site by 20%, but an increase of that magnitude in this type of location would be in keeping with the apartment design guidelines. It would contribute to the achievement of the target population for the city set out in the NPF and its recommendation for the use of infill sites to intensify housing in the Galway and the achievement of the growth that is targeted in the city development plan's core strategy. The proposed development would accord with the NPF's national objectives 2a, 3b, 11, 27, 33 and 35 to target population growth on the existing footprints of cities where it would encourage more people to live in existing settlements where they can be accessed on foot or by bicycle in a sustainable manner at an increased residential density.
- 11.3.3. The submission from the council and those from the public raised concerns about the current proposal for the apartments on the site to be built for rent. Section 5 of the 2020 apartment design guidelines and section 3 the 2021 guidelines on commercial institutional investment in housing recognises the role of this type of housing development, particularly for large scale, higher density apartment schemes on urban sites like the current one. The applicant's proposal that the apartment

scheme on the site would be built-to-rent is therefore consistent with the applicable national policies on the matter.

- 11.3.4. The planning system is largely concerned with physical development. Outside of the operation of Part V of the 2000 planning act, it exercised little control over housing tenure historically. The fact that the developer of the permitted apartments on the site could sell or let them largely as he wished is consistent with this approach. The 2016 census recorded the proportion of housing rented from private landlords in the electoral area of Mervue at 19%, compared to 35% for the city as a whole. The area could not be said to have a high concentration of rental households. In these circumstances the general policy to promote a mix of housing types and tenures at section 2.2 of the city development plan would not provide a reasonable basis to refuse permission for the proposed build-to-rent apartment scheme or to require some of them to be sold individually. The proposed development is for apartments to be used as permanent dwellings. The use of apartments for short-term letting would involve a material change in their use and would not be authorised by a grant of permission on the current application. The application was accompanied by proposals to comply with Part V of the planning act in respect of 35 of the proposed apartments. The council did not comment specifically on those proposals.
- 11.3.5. The increase in the number of apartments on the site and their explicit proposal for them to be built for rent that is proposed in the current application would therefore be consistent with local and national policy.
- 11.3.6. The nature and scale of the proposed non-residential elements of the proposed development, comprising the shops, creche, fitness centre and medical centre would be in keeping with the zoning of the site and its designation for a neighbourhood centre in the city development plan. Their extent would be somewhat reduced by the changes proposed in this application compared to the permitted one. They would be compatible with the mainly residential use of the eastern end of the site. The proposed creche would also be in keeping with the 2001 planning guidelines on childcare facilities. The proposed non-residential elements of the proposed development are therefore acceptable in principle.



#### 11.4. Impact on the character and amenities of the area

- 11.4.1. The proposed increase in the number of apartments would mainly be accommodated by changing the use of the basement levels on the eastern part of the site. The current proposals involve only a limited increase in the height of the buildings on the site relative to the surrounding area. There would be an additional storey in blocks H1 and H2 that would be set back from the site's frontage along the Monivea Road and the houses on the other side, and plant rooms on all of the blocks whose extent would be quite small. The scale and situation of the higher elements proposed in this application mean that they would have a negligible effect on the amount of daylight and sunlight reaching adjacent residential properties. They would not cast a shadow that would reach other residential properties outside the site. Nor would they result in any window on those properties having a vertical sky component of less than 27%. This has been adequately demonstrated by the daylight and sunlight analysis submitted with the application, which is consistent with the drawings of the proposed developments and the separation from the neighbouring houses that can be observed on the ground.
- 11.4.2. The proposed additional height on the buildings would not significantly change their appearance when viewed from the surrounding area. The layout of the apartment blocks would be similar to that permitted, with the same provision of a parade of shops along the Monivea Road with apartments above. A largely brick finish is still proposed for front of block J there. The provision of shops at street level and apartments above is an appropriate built form to address a main road in a suburban area. Block J would be 17.1m high, as measured from street level, and 35m from the front wall of the houses opposite. As the front façade of the proposed building would be set back from the houses opposite by a distance more than twice its height, it is evident that it would not unduly overbear or overlook those houses. Nor would the use of the balconies of that façade be likely to cause a level of disturbance that would seriously injure the amenities of neighbouring houses. The uses of the proposed commercial units along the Monivea Road are clearly described as retail, which is a defined class of use for planning and not one that would give rise to a heightened threat to residential amenity. The proposed landscaping in front of the shops is appropriate. The introduction of a more open and active frontage along this main road on land zoned for commercial use would make a positive contribution to

the character of the area. In any event the amount of activity that would be introduced by the proposed development along the Monivea Road would not be significantly greater than that already permitted there.

11.4.3. The proposed development would replace the permitted zinc cladding on the top two storeys of the permitted buildings with a render finish, albeit one with a different colour than the facades on the lower storeys. This would result in a noticeable diminution in the variety and distinctiveness of the elevations. However the matter can be properly addressed by condition. Other than that, the detailed architectural design of the buildings is similar to that already permitted.

11.4.4. Having regard to the foregoing, it is concluded that the proposed development would not significantly affect the character and amenities of the area or of properties in the vicinity of the site.

#### **11.5. The level of amenity provided for the residents**

11.5.1. The apartments in the proposed development would meet the applicable standards set out in the 2020 guidelines on the topic as demonstrated by the housing quality assessment contained in appendix 2 to the architectural design statement. The housing mix would comply with SPPR 1 with only 75% of the apartments having two or three bedrooms, although that SPPR does not have to be applied to build to rent schemes. All of the units would exceed the minimum floor areas required under SPPR 3 and appendix 1 of the guidelines. 165 of them would exceed the minimum floor area by 10% or more, which is marginally below the 173 apartments that would need to exceed the standard if this were not a BTR scheme. Each of the apartments would be provided with private amenity space and storage in line with the requirements at appendix 1. The proposed design does not rely on the flexibility for those standards set out for BTR schemes set out in section 5 of the guidelines. 57% of the apartments would have dual aspect, in line with the requirement for suburban areas in SPPR 4, while the ceiling heights for apartments at the upper basement and ground floor levels would be 2.7m in line with SPPR 5. Between 8 and 13 apartments would be provided on each floor in each block. However there would be two stair/lift cores in blocks H2 and G that would have 13 apartments per floor, so the limit of 12 apartments per core set out in SPPR 6 would also be met. Two areas of communal open space for the occupants of the apartment would be

provided at lower basement level. Their combined area would be 3,323m<sup>2</sup>, which is larger than the 2,281m<sup>2</sup> that is required to meet the standard set out in appendix 1 to the apartment design guidelines. The submitted daylight and sunlight analysis demonstrates that the larger of the two spaces could have over 2 hours sunlight on March 21<sup>st</sup> notwithstanding its situation at lower basement level. The proposed development would also provide a useful amenity similar to public open space at ground level along the north-eastern end of the site. The Parks Department of the council raised some issues that could be addressed by condition but stated that the overall approach to landscaping was acceptable. The habitable accommodation and open spaces that would be provided for the residents of the proposed apartments would therefore meet the standards set out in the applicable national guidelines and are acceptable.

- 11.5.2. SPPR 7 of the guidelines requires a draft covenant to be submitted with applications for build to rent apartments. This has been done. It also requires proposals for additional communal and recreational facilities in built to rent apartment developments. In the current case this takes the form of shared residents' rooms of 749m<sup>2</sup> at lower basement level in blocks H1, H2 and G. This provision is acceptable under SPPR 7 having regard to the fact that the proposed apartments do not fall significantly below the standards that would be required if the proposal were not a built to rent scheme, and because the residents of the apartments would have the benefit of the concierge service operated by the management of the overall development on the site. The residents would also have benefit from the proximity of the various commercial services proposed as part of this SHD development, including the creche, fitness centre, medical centre and local shops.

#### *Daylight and Sunlight*

- 11.5.3. The application was accompanied by a comprehensive analysis of the daylight and sunlight that would be available to existing houses in the vicinity as well as the proposed apartments and open spaces which is based on the BRE guide Site Layout Planning for Daylight and Sunlight (edition 2) and BS 8206-2:2008 Lighting for Buildings Part 2: Code of Practice for Daylighting. As stated above, the assessment demonstrates that the strategic housing development proposed in this application would not result in the vertical sky component for any main window in existing houses being less than 27%. The proposed development is situated north-northwest

of the existing residential properties in the vicinity and so would not have a significant impact on the level of sunlight that the latter would receive. The assessment demonstrates that more than 50% of the proposed open spaces within the development could receive more than 2 hours of sunlight on March 21<sup>st</sup>. The proposed development would therefore comply with the advice in the BRE guidelines in relation to existing homes and proposed open spaces.

- 11.5.4. The BRE guide recommends that the Average Daylight Factor (ADF) be assessed in habitable rooms of new developments. BS 8206-2:2008 recommends minimum ADF value for kitchens and living rooms which include a kitchen is 2%, 1.5% for living rooms and 1% for bedrooms, and where a room serves more than one purpose the ADF for the highest value should be used. The BRE guidelines state in paragraph 1.6 that *numerical guidelines...should be interpreted flexibly since natural lighting is only one of many factors in site layout design*
- 11.5.5. The apartments proposed in this application do not have kitchens as separate rooms. The analysis submitted with the application states the living area is the main use in the living/dining/kitchen rooms in the proposed apartments and is therefore assessed on a target ADF of 1.5%. This position is accepted as reasonable, having regard to the way in which those rooms are likely to be occupied and the flexibility required by both the BRE and BS guidance in the implementation of numerical targets.
- 11.5.6. The assessment calculated the ADF for rooms on the lower ground, ground and 6<sup>th</sup> floor levels across the apartment buildings. The results indicated that 89% of the tested rooms would achieve the target ADF. I consider this level of achievement to be acceptable for the redevelopment of a brownfield site in an established urban area in which the proposed apartment blocks would form part of a mixed use regeneration of substantial site that would have a suitable urban form, density and mix of uses. I am satisfied that considerations of daylight and sunlight have informed the proposed layout design in terms of separation distances, scale and aspect. The design, internal layout and orientation facilitate dual aspect units and this is considered acceptable. I consider the development to be in accordance with the BRE guidelines and therefore the associated requirements under the section 28 guidelines are satisfied. In addition, I note that the planning authority has not raised concerns on this issue.

11.5.7. Having regard to the foregoing it is concluded that the proposed development would provide its occupants with a reasonable standard of residential amenity

#### 11.6. Access and parking

11.6.1. The access to the proposed development for cars would be via a ramp to the basement car park to the west of proposed Block J on the Monivea Road near the junctions with Clarke and McDonagh Avenue, or alternatively at the vehicular entrance on Joyce's Road. Both of these access points are already authorised under the permissions granted by the council under Reg. Ref. Nos. 18/363 and 20/292. It was apparent at the time of inspection that substantial works had been completed on the ramp from the Monivea Road. The development proposed in this application would increase the residential population on the site, but it would not increase the intensity of the permitted uses on the site and their capacity for traffic generation to an extent that would justify revisiting authorised access arrangements. While general concerns about traffic safety were expressed in submissions from the public, an examination of the overall development, as shown on the submitted drawings, of the circumstances on the site that were apparent at the time of inspection, and the technical submissions from the council and the applicant did not give grounds to conclude that the proposed access arrangements would be unsafe. In particular the treatment of the space between the proposed buildings and the Monivea Road is largely determined by the need to be compliant with the wider proposals in the Galway Transport Strategy being undertaken by the council and TII. The revised location of the proposed set down area or bus stop on this frontage is acceptable to the council and there is no basis to conclude that it would be less safe than the location permitted under previous permission.

11.6.2. It is evident from the submissions from the public and from the inspection of the site that the traffic on the road network in the area is congested. The question therefore arises whether the changes to the permitted development on this site would exacerbate that congestion in a manner that would justify refusing or substantially altering the submitted proposals. I do not consider that it would. The city has a substantial employment base, with 44,376 jobs recorded there at the 2016 census. A large proportion of those workers (22,105) are recorded as commuting into the city for those jobs. The proposed development would increase the number of people who live in the city, albeit by a small amount. As set out in paragraph 11.3.2 above,

the residents of the proposed development would have access to places of employment and services by sustainable transport modes. Having more people being able to live on the site would therefore tend to reduce the traffic congestion that would be caused by a similar level of population and economic activity in the region. Conversely, restricting residential development on the site would tend to displace the demand for homes to places that would be less likely to have access to the employment and services in Galway by sustainable transport modes, thereby increasing reliance on travel by car and worsening traffic congestion.

11.6.3. Other than the increase in the number of apartments and their build to rent status, the main other change that is proposed in this application is the reduction in the provision of car parking for the residential part of the development from 288 spaces to serve 288 apartments in the permitted scheme to 345 apartments being served by 109 dedicated spaces, 13 spaces for a car share scheme and access to 109 other spaces shared with the commercial elements of the development across the overall site. This approach is consistent with SPPR 8(iii) of the 2020 apartment design guidelines which state that the default position for BTR schemes is a minimal or significantly reduced provision of car parking. The location of the site in an established suburban area c2km from the city centre close to places of employment means that it is feasible that people living there would not all require their own car parking spaces. The reduced car parking provision is therefore considered acceptable. It is noted that submissions from nearby residents raised concerns that the parking provision was inadequate and would lead to haphazard parking on the residential streets in the area. However parking in urban areas will always need to be subject to control. The potential for people to park their cars in an inconsiderate or hazardous manner on residential streets would not be obviated by refusing permission for the proposed development. The council recommends that the proposed shared car parking spaces be allocated to the proposed apartments. Its argument that providing car parking spaces for homes is less likely to generate traffic than those allocated for commercial uses is accepted and its recommendation in this regard is commended to the board.

11.6.4. The proposed development would provide a large number of bicycle parking spaces, 796, to serve the proposed apartments. This would meet the level advised in the apartment design guidelines. The spaces would be provided in a variety of places,

generally near the doors and lift cores serving the apartment blocks. The type of bicycle racks that would be used are not clearly described. Illustrations in the architectural design statement show a variety of stacked and wall mounted racks that would be difficult to use and maintain and would not serve many types of bicycle. However a greater flaw is the failure to provide convenient access from the street to those spaces. While the permitted development includes a pedestrian and bicycle ramp from the Monivea Road to the upper basement level, the revised SHD proposal omits the podium that is permitted at the upper basement level that would provide have provided access to the permitted apartment blocks from the permitted ramp. The current proposal seems to require the use of steps to move from the end of the ramp to the apartments. Some of the drawings show a further ramp that would double back beneath the vehicular ramp and through a gate back into the lower basement level car parking. This would be an inconvenient and unappealing access for pedestrians who may not wish to use the steps and for cyclists. It represents a poorly thought-out response to the issues raised by the current proposal to omit the open space at upper basement level between the permitted apartment blocks. However the deficiency could be addressed without altering the overall form and layout of the proposed and permitted developments, and so could reasonably be addressed by condition.

11.6.5. It is noted that a lay-by is provided for cars in front of the proposed creche at lower basement level. The creche would be set back from the access points the the overall development on the site. The overall development would accommodate a large number of residents and workers. The situation of the creche is suitable to accommodate children of parents who already be on the site, but not to attract other persons driving into the site. The proposed lay-by would therefore be superfluous. It would tend to unnecessarily increase car movements within the development to the detriment of the amenities of the residents whose communal open space it would adjoin. It should be omitted.

11.6.6. The council has adopted a development contribution scheme to which the proposed development would be subject. It is open to the council to allocate funding from that scheme to works to provide public transport facilities, or to adopt a supplementary scheme to that effect. However there would be no clear basis on which to levy a special contribution on this application. The previous SHD permission included a

special contribution to road upgrades in the vicinity of the site. As the current proposal is to modify that permission, it would be prudent to restate the requirement for such a contribution.

### **11.7. Water supply and drainage**

- 11.7.1. The entire site has already been subject to works and is within flood zone C as defined by the 2009 Flood Risk Management Guidelines where the guidelines advise that residential development is acceptable in principle. The council's water services department expressed its satisfaction with the storm water drainage proposals. Irish Water have stated that it can facilitate connection to its water supply and wastewater networks, subject to some requirements that can be met by the developer. It is therefore considered that the proposed development would have adequate drainage and water supply.

## **12.0 Material Contravention**

- 12.1. Section 11.3.2(c) of the Galway City Development Plan sets a car parking standard of 1 space per dwelling in this area containing the site, which is in the Established Suburbs as defined in the plan. The proposed development would provide 138 dedicated spaces to serve the apartments, along with shared access to another 109 spaces and another 13 for use by car club. So it would provide significantly less than one space per dwelling. This would be the case even if the board follows the recommendation by the council that the shared be allocated fully to the apartments' residents which would give 247 spaces to serve 345 apartments. The applicant considers that the proposed development would materially contravene the provisions of the development plan about the amount of car parking that would be required. It submitted a statement as to why it considered that this contravention would be justified and referred to that statement in the notices of the application.
- 12.2. The provision of less than the standard amount of car parking in the proposed development is justified by SPPR 8(iii) of the 2020 apartment design guidelines which states that there shall be minimal or significantly reduced car parking for Build-to-Rent developments. The board is obliged to give effect to such a specific planning policy requirement under section 28(1C) of the planning act. The parking provision would also be in keeping with the proper planning and sustainable



development of the area, as set out section 11.6 of this report above. So the board may grant permission for the proposed development under section 37(2)(b)(iii) of the planning act having regard to guidelines issued by the minister under section of the act. I note that additional considerations were raised in the statement submitted with the application, including the general policies set out in Rebuilding Ireland and the National Planning Framework and the reference to travel plans at section 11.5 of the development plan. However those other considerations would add little to the question of whether the parking standards of the development plan should be contravened in this case, given the directly relevant and unambiguous requirement to reduce the car parking in Build to Rent apartment schemes set out in SPPR 8(iii) of the apartment design guidelines.

### **13.0 Recommendation**

13.1. I recommend that permission be granted subject to the conditions set out below.

### **14.0 Recommended Draft Order**

In coming to its decision the Board had regard to -

- The location of the site in an established urban area in reasonable proximity to the centre of Galway, to places of employment and to commercial and social services including public transport
- The planning history of the site including the Strategic Housing Development authorised under ABP-304928-19 and the commercial development authorised under Reg. Ref. Nos. 18/363 and 20/292
- The provisions of the Galway City Development Plan 2017-2023 including the site's zoning under objective CI that allows for a mix of uses including residential
- The Rebuilding Ireland Action Plan for Housing and Homelessness 2016
- The National Planning Framework which identifies the importance of compact growth in cities

- The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009
- The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020
- The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- The nature, scale and design of the proposed development compared to that already authorised on the site
- the pattern of existing and permitted development in the area
- Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan or a Local Area Plan
- The submissions and observations received
- The Chief Executive Report from the Planning Authority; and
- The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to screening for appropriate assessment and environmental impact assessment.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect

on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) The planning history relating to the site and the limited scale of the changes that are proposed to the development authorised under ABP-304928-19,

(c) The location of the site on brownfield land in an established urban area that is zoned for a mix of commercial and other development under the provisions of the Galway City Development Plan 2017 – 2023, and the results of the strategic environmental assessment of that plan undertaken in accordance with the SEA Directive (2001/42/EC),

(d) The existing uses on the site and pattern of development in surrounding area,

(e) The availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h)The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i)The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Environmental Management Plan, the Construction Waste Management Plan, the Operational Management Plan, the Engineering Planning Report and the Site Specific Flood Risk Assessment,

The Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of the safety and convenience of road users and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Material Contravention**

The Board considered that a grant of permission that would materially contravene the parking standards set out in the Galway City Development Plan 2016-2022 and the would be justified in accordance with Section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to SPPR8(iii) of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 which states that there shall be a default of minimal or significantly reduced car parking provision for Build-to-Rent apartment developments.

## 15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Apart from such alterations that were explicitly described on the plans and particulars submitted with the application or which are required by the conditions below, the authorised development on the site shall comply with the terms and conditions of the parent permission granted by the Board under ABP-304982-19. In particular the period during which the development hereby permitted may be carried out shall be the same as that of the parent permission and shall cease on 30<sup>th</sup> October 2026.

**Reason:** In the interest of clarity

2. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

3. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of

not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

4. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

5. The proposed development shall be amended as follows:

(a) A ramp suitable for use by pedestrians with restricted mobility and cyclists shall be provided from the open space at the upper basement level to the south of Block G to the open space at lower basement level that shall provide a convenient, direct and properly supervised access for cyclists and those with impaired mobility to the open space and entrances to the apartment blocks at lower basement level.

(b) The proposed set down area for cars in front of the childcare facility shall be omitted

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to provide proper access to the proposed apartments for pedestrians and cyclists, to limit traffic movement in the immediate vicinity of the apartments and their communal open space

6. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments –

- Zinc or other high quality metal cladding shall be used on the elevations on the upper storeys in accordance with the finishes previously authorised under ABP-304928-19
- Outdoor amenity facilities suitable for those aged 12 to 17 shall be provided
- Full details of the location, type, size and control of all gates, fences, walls or other such structures that would be used to define boundaries or control movement on the site that comply with the requirements of the planning authority
- Planting schedules that are revised to comply with the requirements of the planning authority

Details showing the required amendments shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual and residential amenity

7. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.  
**Reason:** In the interests of visual and residential amenity.
  
9. 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 interests of public health
  
10. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.  
**Reason:** In the interest of public health.
  
11. Other than that shown on the submitted drawings, 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
  
12. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants and staff employed in the overall development on the site. The details to be agreed with the planning authority shall include the dedication for the use of the residents of the authorised apartments of the 109 car parking spaces that are shown on the submitted plans as being shared with the occupants of the commercial



premises, in addition to the 138 spaces already dedicated for the exclusive use of the residents of the authorised apartments. It shall also include full details of the type and location of all bicycle storage facilities which shall ensure that they accommodate all types of bicycle and can be easily used by all cyclists.

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

13. 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:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

14. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of amenities, public health and safety

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1700 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.

16. Construction and demolition waste shall be managed in accordance with a final 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.

**Reason:** In the interest of sustainable waste management

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. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 200, as amended, in respect of costs to be incurred by the planning authority in connection with road improvement works in the area that would facilitate the proposed development including the signalisation and upgrade of the Tuam Road R336 and Joyce’s Road and the upgrade of the junction of Monivea road R339, Joyce’s Road, Wellpark Road and Connolly Road, as

detailed in the engineering drawings submitted with the application. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods) published by the Central Statistics Office.

**Reason:** It considered reasonable that the developer should contribute towards specific exceptional costs which are incurred by the planning authority that are not covered in the Development Contribution Scheme and that will benefit the proposed development.

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, 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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Stephen J. O'Sullivan  
Planning Inspector

27<sup>th</sup> August 2021