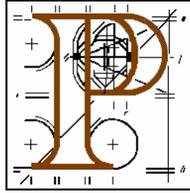


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Galway City

Planning Register Reference Number: 08/629

An Bord Pleanála Reference Number: PL 61.236466

APPEAL by Gort Greine Residents Association care of Enplan Consultants Limited of Office Suite 21, The Sirius Centre, North Point, Tuam Road, Galway against the decision made on the 12th day of March, 2010 by Galway City Council to grant subject to conditions a permission to Frank Kelly care of Gerard Carr and Associates Limited of Unit 14, Fiontarlann Teo, Westside, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Demolition of the existing dwelling house and shed; (2) create a new site entrance onto Ragoon Road; (3) construction of a mixed development in the form of two separate blocks: 'Block A' will be a three-storey building consisting of four number commercial units on the ground floor with four number two bedroom apartments above, 'Block B' will be a two-storey building consisting of two number two bedroom apartments; (4) construction of 21 number car parking spaces and a bin-store area and (5) the provision of all ancillary site works and associated services with the development, all at Millars Lane, Ragoon Road, Ragoon, Galway. (As amended by the revised public notices received by the planning authority on the 13th day of May, 2009 and by An Bord Pleanála on the 22nd day of February, 2011).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Galway City Development Plan, to the residential zoning of the site, to the pattern of existing and permitted development in the vicinity, and to the revisions made by the documents submitted to An Bord Pleanála on the 6th day of December, 2010, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the policy of the development plan for the area and would be an appropriate form of development. The proposed development would not seriously injure the residential or general amenity of the area, would not result in overlooking or overshadowing of adjacent properties, would not have such a significant impact on the roads network and traffic flows in the vicinity of the site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 13th day of May, 2009, the 17th day of August, 2009 and the 16th day of February, 2010 and as amended by the further plans and particulars received by An Bord Pleanála on the 6th day of December, 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Prior to commencement of development, a landscaping and boundary treatment scheme shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. The scheme shall include full details of trees to be retained, proposed species and the location of new planting on the site in accordance with the letter submitted to the planning authority on the 16th day of February, 2010. The plan shall provide for full and detailed proposals regarding the protection of the identified trees for retention, including the Beech (tree no. 1353) and Sycamore (tree no. 1352) located to the north/north west of the site. Notwithstanding the submission of the Landscape Plan drawing number 09/715/01 to the planning authority on the 16th day of February, 2010, no permission shall be granted for the removal of these trees. The landscaping scheme shall be implemented fully in the first planting season following the completion of the development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

7. Notwithstanding the development provisions of the Planning and Development Regulations, 2001, no plant, ducting, water tanks, television aerials, satellite dishes or telephone receiving/transmission equipment shall be erected above roof level or on external walls without a further grant of planning permission.

Reason: In the interest of orderly development and the visual amenities of the area.

8. Provision shall be made within the development site for one bicycle stand (five number bicycle parking spaces).

Reason: In the interest of traffic safety and in order to comply with the requirements of the current Galway City Development Plan.

9. Proposals for a name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all signs and numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

11. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

12. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development noise management measures and off-site disposal of construction/demolition waste.

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

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

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

Dated this day of 2011.