



Board Direction

Ref: PL 07 249365

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 23rd 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the reasons, considerations and conditions set out below.

Reasons and Considerations

Having regard to the to the settlement strategy within the Galway County Development Plan, 2015-2021, to the zoning and specific objectives for site location which is adjacent to the village core and within the development boundary for the Moycullen Local Area Plan, 2013-2019 it is considered that subject to the conditions set out below, the proposed development not be in material conflict with the transportation and infrastructure objectives providing for an Inner Relief Route for Moycullen, would not seriously injure to the visual amenities or landscape character of the area, would not seriously injure to the residential amenity standards that would be attainable for the benefit for the future occupants, would not endanger public safety by reason of traffic hazard by reason of traffic generation and additional turning movements by the development causing obstruction to other road users and would not be prejudicial to public health having regard to the proposed arrangements for foul and surface water drainage. The proposed development is therefore 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 lodged with the application as amended by the further plans and particulars and by the plans and particulars received by An Bord Pleanála on 6th October, 2017 except as may otherwise be required 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.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and primary care centre shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be in blue-black or slate grey in colour only.

Reason: In the interest of visual amenity.

3. The public open space and home zone areas shown on the lodged plans shall be levelled, contoured, soiled, seeded, and landscaped in accordance with a landscaping scheme to be submitted and agreed writing with the planning authority. The scheme shall be implemented prior to occupation of the dwellings and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: To ensure the satisfactory completion of the public open space within the development.

4. Details of hard and soft landscaping within the perimeter of the site including all materials and finishes shall be submitted to and agreed with the planning authority prior to the commencement of the development.

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

5. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interests of residential and visual amenity.

6. The internal shared surface circulation routes, carparks and roadside parking spaces and footpaths and kerbs shall be fully completed prior to the occupation of the residential units and commercial building. These works shall be in accordance with the standards set out in the Design Manual for Urban Roads and Streets (2013).

Reason: In the interest of vehicular and pedestrian safety and convenience and the amenities of the development

7. All service cables associated with the proposed development 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.

8. 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.

9 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

11 A plan containing details for the management of waste including separation of recyclable materials within the development, facilities for the storage and arrangements for collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste.

12 A traffic management plan for the demolition and construction phase of the development shall be submitted and agreed in writing with the planning authority prior to the commencement of the development. It shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

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

13. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

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 of roads, footpaths, watermains, drains, 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 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 of the development.

15 The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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 in respect of the retail unit only and 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. The application of any indexation required by this condition 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.

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.

Note: In deciding not to accept the inspectors recommendation to omit the duplex units, the Board considered that the proposed units added to the mix of typologies available within the proposed development and would enhance the diversity of the scheme, It further considered that the units were an appropriate design response adjacent to the proposed primary care centre and would not injure the residential amenities of the area or of future occupants of the scheme.

Board Member: _____ Date: 23.03.18
Paul Hyde