



An
Bord
Pleanála

Board Direction
BD-003668-19
ABP-304345-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/07/2019.

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the zoning objective for residential development in the Galway City Development Plan 2017-2023,
- (b) the policies and objectives in the Galway City Development Plan 2017-2023,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the Childcare Facilities – Guidelines for Planning Authorities
- (h) the Appropriate assessment of Plans and Projects in Ireland
- (i) the nature, scale and design of the proposed development;

- (k) the pattern of existing and permitted development in the area, and
- (k) the submissions and observations received,

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

AA Screening Paragraph.

AA Paragraph.

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.

Reason: In the interest of clarity.

2. Prior to commencement of development, a revised site layout plan shall be submitted to the Planning Authority for a written agreement on the following:
 - a. The inclusion of all areas which have been taken in charge in the vicinity and those proposed to be taken in charge,
 - b. The inclusion of pedestrian and cycle facilities to the south of the site at locations agreed with the Planning Authority, enabling connectivity between sites,

- c. The integration of a dropped kerb to the north west of the site, as per Road Safety Audit recommendation.

Reason: In the interest of residential and visual amenity.

3. Prior to commencement of development, land required by the planning authority for road improvement on the west boundary of the site along the Letteragh Road (as indicated in the submitted documentation) shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In order to prevent development on lands which may be required for future road improvement

4. The internal road network and proposed construction access serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, car park and cycle parking bays shall be in accordance with the detailed standards of the planning authority for such works.

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

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 concrete post and panel fences.

Reason: In the interest of residential and visual amenity

6. Standard Apartment numbering condition.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) all planting shall be semi-mature and native and the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings shall be included;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating ;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, including the integration of the existing stone walls within the boundary treatment along the Letteragh Road.
- (e) details of the soccer area within the centre of the site, including finishes, boundary treatment and management and maintenance,
- (f) details of all outdoor gym equipment,

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and completed prior to the occupation of any residential units.

Reason: In the interest of visual amenity

8. Public lighting shall be provided in accordance with the submitted scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

9. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park

10. Site development and building works shall be carried only out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in 'exceptional circumstances' where prior written approval has been received from the planning authority.

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

11. Standard EV condition. (all car parking spaces)

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company and include specific reference to the tenant facilities within Block B. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity

13. 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 amenity of property in the vicinity and the visual amenity of the area.

14. 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.

15. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development

16. 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

Board Member

Date: 30/07/2019

Paul Hyde