



An  
Bord  
Pleanála

**Board Direction**  
**BD-006663-20**  
**ABP-307367-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/10/2020.

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**

Having regard to the provisions of the Galway City Development Plan 2017-2023, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of March 2020 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of July, 2020, except as may otherwise be required in order to comply with the

following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development on site, the developer shall submit to, and agree in writing with, the Planning Authority revised drawings showing the following-
  - a. site boundary walls to the side and rear of the dwelling(s) as follows-
    - i. 1.8 metres in height above ground level, on all side and rear boundaries when measured from inside Site 1 (for House 1).
    - ii. The southern boundary walls shall be no higher than 1.2 metres forward of the front building line of the permitted dwelling(s).
    - iii. All boundary walls shall be constructed in concrete block and suitably capped and rendered on both sides in a finish that matches the external finish of the dwelling(s).
  - b. The first floor window serving bedroom No.1 to House 2 shall be bottom hinged and permanently of obscure glazing.
  - c. No part of the roof of either Dwelling No.1 and 2 shall be used as a balcony / terrace/ roof garden.
  - d. Details of the materials, colours and textures of all the external finishes to the proposed dwelling(s).

Reason: In the interest of residential and visual amenity.

3. (a) A suitably qualified bonded engineer shall supervise all works. On completion of works, the structural engineer shall submit to the Planning Authority a report detailing that works have been carried out to best practice.

(b) Prior to commencement of development, detailed structural drawings and a construction methodology statement, indicating the means proposed to ensure the protection of the structural stability and fabric of the adjacent structure, shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the excavation, construction and demolition methods proposed, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: To ensure the quality of the development and works commensurate with the protection to be afforded to the adjacent structure.

4. Water supply and drainage arrangements, including the 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

6. 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 interest of sustainable waste management.

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

Reason: In the interest of public health.

8. 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.

9. 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:** 08/10/2020

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John Connolly