

An  
Bord  
Pleanála

**Board Direction**  
**BD-011312-22**  
**ABP-309623-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/09/2022.

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 National Planning Framework and the Regional Spatial & Economic Strategy for the Northern and Western Region (RSES) including the Galway Metropolitan Area Strategic Plan
- the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH, 2020),
- the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG, 2018) and in particular Specific Planning Policy Requirement 4
- Circular Letter: NRUP 02/2021 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- and the provisions of the Galway City Development Plan 2017- 2023,

it is considered that, having regard to the general pattern and development in the area and the nature and scale of the proposed development, and subject to

compliance with the conditions set out below, the proposed development, would constitute an acceptable quantum of development, housing mix, height, design, layout and appropriate density for the area, would be acceptable in terms of the residential and visual amenities of the area and would be acceptable in terms of traffic and road safety. 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 to the planning authority on the 20<sup>th</sup> day of December 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. The proposed development shall be amended as follows:-
  - a. The proposed third floor containing apartments 10 and 11 shall be omitted in full.
  - b. The rear two-storey first floor section, which extends 3.165 metres beyond the proposed stair core shall be omitted in full. The first floor section to be removed includes apartment 4, bedroom numbers 1 and 2, store and ensuite and apartment 5, bedroom numbers 1 and 2, store and ensuite. The remaining apartments on the first floor level shall be reconfigured to comply with the relevant floorspace provisions of the Sustainable Urban Design Standards for New Apartments, Guidelines for Planning Authorities, published in December 2020.

- c. The proposed car parking layout shall be redesigned to omit 3 car parking spaces at the southern front section of the site and this area shall be used for soft landscaping.
- d. No tree planting shall be proposed along the northern rear boundary of the site.
- e. Internal reconfiguration of the layout of apartment numbers 3, 6 and 9 to provide wider kitchen areas and with rear kitchen walls less distant from the front façade of these apartments, and associated reconfiguration of store areas of apartment numbers 2, 5 and 8. Prior to commencement of development, full plans and particulars detailing these amendments, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of clarity and residential amenity.

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

**Reason:** In the interest of the visual amenities of the area.

4.

- a. One car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased.
- b. 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:** In the interest of orderly development and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

5. A comprehensive boundary treatment and landscaping scheme for the site 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 which shall be of permeable;
  - b. proposed locations of planting in the development, including details of proposed species and settings;
  - c. details of proposed furniture, lighting fixtures and seating etc;
  - d. details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Boundaries to the rear and side of the front building line of the development shall be no lower than 1.8m when measured from within the site

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of residential and visual amenity.

6. 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.

7. 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 including noise, dust and vibration management measures, and monitoring of such levels, containment of all construction-related fuel and oil measures and means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

**Reason:** In the interests of public safety and residential amenity.

8. 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.

9. 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 for both the commercial and residential elements of the development, 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 and, in particular recyclable materials, in the interest of protecting the environment.

10. 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.

11. Proposals for a development name and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

12. Details of the proposed external lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall cowl lighting into the site and away from adjoining property and be fully implemented and operational before any of the residential units are made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

13. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

14. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management

scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, paths, parking areas, public lighting, bicycle and waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential units are made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

15. Water supply and drainage arrangements, including the disposal of surface water, which shall provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

16. 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.

17. 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.

18. 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.

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

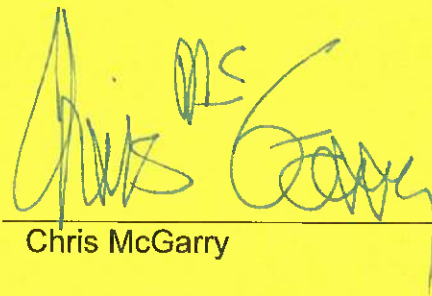


the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

**Note:** By date 15/07/2022, the Board sought further information from the applicant on the net point of average daylight factor calculations relating to apartment numbers 3, 6 and 9 including any suggested design solutions (if warranted). The applicant responded to the Board by date 11/08/2022 with commentary on the issue and a number of minor design amendments proffered. These were considered by the Board and one minor amendment only was determined as appropriate; this is set out under condition 2(e) of the Board's Order. This amendment is considered de minimis by reference to the overall permitted development and not relevant to the substantive grounds of appeal as set out by the appellants in this case and which grounds have been given full consideration, both in the Inspector's report and in the assessment and determination by the Board.

**Board Member**



Chris McGarry

**Date:** 23/09/2022

