

An
Bord
Pleanála

Board Direction
BD-015140-24
ABP-315074-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/01/2024.

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

- Sustainable Residential Development in Urban Areas Guidelines,
- Quality Housing for Sustainable Communities: Best Practice Guidelines,
- Design Manual for Urban Roads and Streets,
- Galway County Development Plan 2022 – 2028, and
- Clifden Local Area Plan 2018 – 2024,

It is considered that, subject to conditions, the proposal would fulfil the residential zoning objective for the site, and it would exhibit an appropriate density for the site within its context. This proposal would afford an acceptable standard of amenity to

future residents, and it would be compatible with the visual and residential amenities of the area. Traffic generated by the proposal would be capable of being accommodated on the public road network, and proposed access arrangements would be satisfactory. The proposal would mitigate any biodiversity loss from the site. No outstanding water or appropriate assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

Conditions:

1.	<p>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 received by the Planning Authority on 1st July 2022 and 20th September 2022 and by the further plans and particulars received by An Bord Pleanála on the 9th day of November, 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed 36 no. cycle spaces shall be increased to 40 no. cycle spaces and these spaces shall be provided in covered accommodation.</p>

	<p>(b Proposed car parking spaces denoted as no. 31 and nos. 43 – 46 (inclusive) shall be omitted. The former space shall be incorporated into the paved area for pedestrians and the latter spaces shall be used in conjunction with any regrouping of cycle spaces that may be needed to ensure that 40 no. covered cycle spaces are provided.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of the amenities of future residents, the avoidance of excessive car parking spaces, and the provision of an adequate number and a satisfactory specification of cycle parking spaces.</p>
3.	<p>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.</p>

	<p>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.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed residential blocks and the hard surfaces comprised in the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to commencement of development, the invasive species, the Giant Rhubarb, shall be eradicated from the site. Written confirmation of such eradication shall be submitted to the Planning Authority by a recognised expert in the field.</p> <p>Reason: In order to safeguard biodiversity.</p>
7.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Street 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 dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>

9.	<p>Proposals for an estate/street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>The landscape masterplan, shown on drg no. DWG.01 revision E and accompanied by a commentary in the document entitled "Landscape Masterplan, Design Rationale & Specification of the Landscape" dated March 2022, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>The management and maintenance of the proposed development comprising the public open space, and on-site access and drainage arrangements, following its completion shall be the responsibility of a</p>

	<p>legally constituted management company, or by the local authority in the event that the open space, access and drainage arrangements are taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (f) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<p>(g) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
13.	<p>Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of good traffic management and road safety.</p>
14.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an</p>


	<p>agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
16.	<p>Stage 3 & 4 Road Safety Audits to be undertaken of the proposed access arrangements to the site. Any recommendations to be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of road safety.</p>
17.	<p>Prior to the commencement of occupation of any of the residential units, the realignment of St. Anne's Road adjoining the site shall be completed, along with the proposed addition of footpaths on the northern side of the carriageway to Westport Road within the vicinity of the site.</p> <p>Reason: In the interest of road safety and in order to improve pedestrian access to the site from the outset of the use of the new development.</p>
18.	<p>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</p>

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: 22/01/2024



Liam Bergin