



An
Bord
Pleanála

Board Order

PL 61.248002

Planning and Development Acts 2000 to 2017

Planning Authority: Galway City Council

Planning Register Reference Number: 16/215

Appeal by Boireann Bheag Management Company care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 19th day of January, 2017 by Galway City Council to grant subject to conditions a permission to O'Malley Construction Company care of McCrossan O'Rourke Manning Architects of Albert Place West, Harcourt Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 41 number two storey detached/semi-detached four bedroom houses, 11 number two storey terraced/semi-detached three bedroom houses and a three storey apartment block containing one number one bedroom apartment and 11 number two bedroom apartments. Permission is also sought for surface car-parking, bin store, maintenance shed, landscaping, boundary treatments, all associated site development works and road improvement measures at Junction 1, Old Dublin Road/Doughiska Road and Junction 2, Doughiska Road/Ros Caoin, Galway.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the strategic policies and objectives for land use and for transportation for the area, to the zoning objective for the area in which the subject site is located under the Galway City Development Plan, 2017-2023, to the planning history of the site and having regard to existing and committed development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable density of residential development that would be compatible with the provisions of the Development Plan, would be acceptable in terms of pedestrian and traffic safety, would not endanger public safety by reason of traffic hazard, and would not seriously injure the residential amenities of development 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 received by the planning authority on the 14th day of December 2016, 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 developer shall provide for and comply with the following requirements:
 - (a) A final RAB junction design and a safety audit for the RAB design for the Doughiska Road shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
 - (b) The agreed upgrade works at Junctions 1 and 2 on the Doughiska Road shall be completed to the written satisfaction of the planning authority prior to the making available for occupation of any of the residential units authorised by this permission.
 - (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply with the standards set out in the Design Manual for Urban Roads and Streets (2013).

Reason: In the interest of pedestrian and traffic safety, and as the proposed development is contingent on the proposed upgrade works to these junctions.

3. 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. The attenuation area shall cater for the future use of the land above it as a public transportation corridor and/or pedestrian and cycleway. If this is not possible, alternative attenuation measures, providing for the re-location of attenuation areas within the housing development (but not underneath public open space areas) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour of the houses shall be blue-black or slate grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

5. Prior to commencement of development, details (including a map or drawing) delineating those areas of the proposed development which are to be taken in charge by the local authority upon completion, and those areas which are to be privately managed, shall be submitted to, and agreed in writing with, the planning authority. All areas consisting solely of individual housing units, all of the roads and footpaths, and all of the open spaces, shall be included in that part of the site that is to be taken in charge upon completion, and shall not be privately managed, but shall be maintained by the developer until taken in charge by the planning authority. For those parts of the development which are to be privately managed, which shall consist of the common areas of the apartment block and the associated communal open space, and bicycle stands, a management scheme providing adequate measures relating to the future maintenance of those areas and associated services shall be agreed in writing with the planning authority.

Reason: In order to define those parts of the development which are to be taken in charge and those which are to be privately managed, in accordance with national policy in this regard, and to provide for appropriate measures for future maintenance of the latter, in the interests of orderly development.

6. 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 management measures and off-site disposal of construction/demolition waste.

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

7. 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. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of orderly and sustainable development.

8. Site development and building works shall be confined to the hours between 0800 hours and 1800 hours Mondays to Fridays excluding Bank Holidays and 0800 hours and 1400 hours Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of residential amenity.

9. The public open spaces shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping plans submitted with the application. This work shall be completed before any of the dwellings are made available for occupation, or, if the development is phased, before the houses fronting on to those open spaces in each phase are made available for occupation. The open spaces shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. All rear gardens shall be bounded with concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, except where bounding public open spaces or roads, when the walls shall be 2 metres in height. Post and panel fencing shall not be used.

Reason: In the interests of residential and visual amenity.

11. Public lighting shall be provided in accordance with a 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.

12. Proposals for a development/estate name, house/apartment unit 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 signs, and house/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

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 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.

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 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.

15. 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 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. 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.

