

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Galway City Council

Planning Register Reference Number: 17/30

An Bord Pleanála Reference Number: ABP-300032-17

Appeal by Tom Faherty of Ballymoneen Road, Knocknacarra, Galway against the decision made on the 28th day of September, 2017 by Galway City Council to grant subject to conditions a permission to Ardstone Homes care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of (1) demolition of existing agricultural shed, (2) construction of 91 number residential units comprising 32 number three-bed semi-detached units and 15 number three-bed terraced units with the option to convert the attic space for habitable use; 20 number lower ground floor two-bed apartment units with 20 number duplex three-bed townhouse units above; and four number three-bed townhouses over ground floor commercial units, (3) construction of four number ground floor retail units (284 square metres) with residential accommodation above, (4) construction of a corner block of commercial units over three floors (330 square metres), (5) development of a childcare facility (380 square metres) and associated outdoor play areas and car parking and (6) provision of shared communal and private open space, car parking, site landscaping and public lighting, services and ancillary facilities, pedestrian access from the Western Distributor Road, vehicular access from the Ballymoneen Road and via the Leargán development located immediately west of the proposed site and all associated site development works, all located on the west of the Ballymoneen Road at the junction with the Western Distributor Road, Knocknacarra, Galway, as amended by the further public notice received by the planning authority on the 5th day of September, 2017.

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:

- national guidelines for Sustainable Residential Development in Urban Area and the accompanying Design Manual, the Design Manual for Urban Roads and Streets and the Design Standards for New Apartments,
- the residential zoning (R) of the site, the site specific zoning for the provision of a local centre and the policies and objectives of the Galway City Development Plan 2017-2023, and
- the pattern of development in the area,

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 of property in the vicinity and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would 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 22nd day of August, 2017, 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 written agreement of the following:
 - (a) reposition site numbers 41-43 4.5 metres north and inclusion of additional space for private amenity.

Reason: In the interest of residential and visual amenity.

3. Prior to commencement of development, the following information and/or required amendments in relation to the childcare facility submitted to the planning authority for written agreement of the following:
 - (a) Not more than 75 number residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.
 - (b) A secure outdoor play area shall be provided for the use of children attending the childcare facility and pedestrian connectivity to the west of the facility shall be made with communal play area.

- (c) The set down/drop off spaces to the front entrance of the childcare facility shall be clearly delineated and retained in perpetuity.
- (d) Submission of a car parking management plan including the number of spaces, hours of usage and signage.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity and of the proper planning and sustainable development of the area.

4. Prior to commencement of development, the following information and/or required amendments in relation to the retail units, and where applicable the childcare facility, shall be submitted to the planning authority for written agreement of the following:
- (a) the occupation of the retail units shall be submitted to, and agreed in writing with, the planning authority and shall be restricted to convenience retailing and local facilities,
 - (b) details of the proposed design and materials for the external shop fronts,
 - (c) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (d) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (e) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (f) external roller shutter shall not be erected and any internal shutter shall be only of the perforated type, coloured to match the shop front colour,
 - (g) no adhesive material shall be affixed to the windows or the shop front,

- (h) the retail units shall not be amalgamated without a prior grant of permission,
- (i) receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development,
- (j) no fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission and the developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and
- (k) there shall be no loading/unloading of deliveries along the Western Distributor Road or the Ballymoneen Road.

Reason: In the interests of visual and residential amenity and to prevent a traffic hazard.

5. 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 (commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial 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.

6. 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) detailed design plan for the hard and soft landscaping for the terrace/open space area in front of the retail units to include paving, planting, seating and inclusion of painted railings rather than obscured glazing along the edge,
 - (b) inclusion of a formal children's playgrounds (minimum size 190 square metres) located adjacent to the west of the proposed crèche,
 - (c) extension of the internal walkway through the open space into the adjoining residential estate to the west Leargán, with an appropriate gate and boundary treatment (two metres high block wall) along the west of the open space,
 - (d) full details of all equipment and materials to be used for the formal play areas and removal of the exercise equipment within the eastern home zone,
 - (e) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
 - (f) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (g) details of proposed street furniture, including bollards, lighting fixtures and seating,
 - (h) details of the long-term management of the public spaces including the paved areas around the retail units, and
 - (i) details of proposed boundary treatments at the perimeter of the site, and side and rear of the dwellings and front of the duplex units, including heights, materials and finishes shall be submitted to and agreed with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and phasing requirements of the local authority.

Reason: In the interest of visual and residential amenity.

7. Prior to commencement of development, the developer shall submit details (design and materials) of the internal road network and full details of proposed home zone scheme, serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, which shall comply with the detailed standards of the planning authority for such road works.

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

8. The external finishes of the proposed buildings (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. 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.

10. Parking and bicycle parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:
- (a) 11 number bicycle stands, each accommodating 5 number spaces at appropriate locations, and
 - (b) two number parking spaces serving the retail units shall be reserved for persons with impaired mobility which shall be not less than the dimensions set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority).

Reason: To ensure a satisfactory cycle and parking layout in the interest of pedestrian and traffic safety and of visual amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and at the entrance into the site, 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. The development shall be carried out on a phased basis in conjunction with the provision of the crèche, retail units and landscaping and open space provision. Prior to commencement of any development on the overall site, details of the phasing shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The construction of the development shall be managed in accordance with a Construction Management Plan and Construction Traffic 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 but not exclusive of the following:
- (a) location of the site and materials compound including areas 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 on-site car parking facilities for site workers during the course of construction,
 - (e) 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,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,

- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) 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,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) 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.

Reason: In the interest of amenities, public health and safety.

15. 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.

Reason: In the interest of public health.

16. 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.

17. 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.

18. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018