



Planning and Development Acts 2000 to 2019

Planning Authority: Galway City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 29th day of April 2019 by Burkeway Homes Limited, care of McCarthy Keville O'Sullivan, Tuam Road, Galway.

Proposed Development:

A planning permission for a strategic housing development at Letteragh Road, in the townlands of Letteragh and Ragoon, Co. Galway.

The proposed development will consist of:

- 1) Construction of 101 number residential units comprising:
 - 6 number House Type 2A (four-bed terrace houses)
 - 6 number House Type 2B (three-bed terrace houses)
 - 12 number House Type 3 (three-bed semi-detached houses)
 - 1 number House Type 3A (three-bed semi-detached house)
 - 1 number House Type 3B (three-bed semi-detached house)
 - 10 number House Type 4 (four-bed semi-detached houses)
 - 1 number House Type 4A (four-bed detached house)
 - 4 number House Type 5 (four-bed detached houses)
 - 2 number House Type 5A (four-bed detached houses)
 - 1 number House Type 5B (four-bed detached house)
 - 2 number House Type 6 (three-bed semi-detached)

- 2 number Apartment Type A1_2 (two-bed apartment units)
 - 4 number Apartment Type A3 (two-bed apartment units) (Ground)
 - 4 number Apartment Type A4 (two-bed apartment units) (Ground)
 - 1 number Apartment Type B1 (one-bed apartment unit)
 - 8 number Apartment Type A1 (three-bed apartment units)
 - 8 number Apartment Type A2 (one-bed apartment units)
 - 8 number Apartment Type A3 (two-bed apartment units)
 - 8 number Apartment Type A4 (two-bed apartment units)
 - 4 number Apartment Type A_P1 (two-bed apartment units)
 - 4 number Apartment Type A_P2 (one-bed apartment units)
 - 4 number Apartment Type A_P3 (two-bed apartment units)
- 2) Development of a childcare facility (243.1 square metres)
 - 3) Development of an indoor Tenant Facility Area (58.9 square metres)
 - 4) Provision of shared communal and private open space, car parking, site landscaping, services, access to Letteragh Road, and all associated site development works.

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

In coming to its decision, the Board had regard to the following:

- (a) the zoning objective for residential development in the Galway City Development Plan 2017-2023;
- (b) the policies and objectives in the Galway City Development Plan 2017-2023;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (h) the Childcare Facilities, Guidelines for Planning Authorities issued by the Government of Ireland in June 2001;
- (i) the nature, scale and design of the proposed development;
- (j) the pattern of existing and permitted development in the area;
- (k) the submissions and observations received, and
- (l) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience, and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites: Galway Bay Complex Special Area of Conservation (site code 000268), Inner Galway Bay Special Protection Area (site code 004031) and Lough Corrib Special Area of Conservation (site code 000297) in view of the conservation objectives of these sites and having regard to the nature of the proposed development.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the European sites identified by the Inspector, that is, Galway Bay Complex Special Area of Conservation (site code 000268), Inner Galway Bay Special Protection Area (site code 004031) and Lough Corrib Special Area of Conservation (site code 000297). Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of Galway Bay Complex Special Area of Conservation (site code 000268), Inner Galway Bay Special Protection Area (site code 004031) and Lough Corrib Special Area of Conservation (site code 000297), in view of the conservation objectives of these sites.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on a site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 proposed 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 a written agreement on the following:
 - (a) The inclusion of all areas which have been taken in charge in the vicinity and those proposed to be taken in charge,
 - (b) The inclusion of pedestrian and cycle facilities to the south of the site at locations agreed with the planning authority, enabling connectivity between sites,
 - (c) The integration of a dropped kerb to the north-west of the site, as per the Road Safety Audit recommendation.

Reason: In the interest of residential and visual amenity.

3. Prior to commencement of development, land required by the planning authority for road improvement on the west boundary of the site along the Letteragh Road (as indicated in the submitted documentation) shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In order to prevent development on lands which may be required for future road improvement.

4. The internal road network and proposed construction access serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, car park and cycle parking bays shall be in accordance with the detailed standards of the planning authority for such works.

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

5. All rear gardens shall be bounded with 1.8-metre-high concrete block walls, suitably capped and rendered, on both sides, or by 1.8-metre-high concrete post and panel fences.

Reason: In the interest of residential and visual amenity.

6. Proposals for an estate/street name, 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 and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

7. 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) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) all planting shall be semi-mature and native and the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings shall be included;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, including the integration of the existing stone walls within the boundary treatment along the Letteragh Road;
 - (e) details of the soccer area within the centre of the site, including finishes, boundary treatment and management and maintenance, and
 - (f) details of all outdoor gym equipment.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and completed prior to the occupation of any residential units.

Reason: In the interest of visual amenity.

8. Public lighting shall be provided in accordance with the submitted 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.

9. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park.

10. Site development and building works shall be carried only out between 0800 to 1900 hours 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 amenities of property in the vicinity.

11. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points, and all of the houses shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company and include specific reference to the tenant facilities within Block B. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

13. 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 amenity of property in the vicinity and the visual amenity of the area.

14. Prior to commencement of development, the developer 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.

15. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development

