

An  
Bord  
Pleanála

Board Order  
ABP-310644-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 20/101**

**Appeal** by Michael Burns care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 3<sup>rd</sup> day of June, 2021 by Galway City Council to refuse a permission to Michael Burns for the proposed development.

**Proposed Development:** The demolition of existing petrol service station, shop and associated tanks, and sub-standard dwelling houses with site frontage on to Bruach na Mara, and for construction of new mixed-use development to include: (1) 17 number apartments in a three-storey building with penthouse level, comprising 15 number two-bedroom units, one number one-bedroom unit and one number three-bedroom unit; (2) Provision of one number commercial office unit at ground floor level; (3) Consolidation of four number existing entrances into one number access/entrance point to basement level; (4) Car parking and refuse storage at basement level; (5) Hard and soft landscaping, bicycle parking, boundary treatments, site services and associated site works, all at 2, 3 and 4 Knocknacarra, (R336), Salthill, Galway, as amended by the significant further information and public notice received by the planning authority on the 7th day of May, 2021 which provides

for 16 number apartments in a four-storey building consisting of one number one-bedroom, seven number two-bedroom, four number two-bedroom duplex units and four number three-bedroom duplex units.

## **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 Galway City Development Plan, 2017 - 2022 according to which the site is located within an area zoned "R": "To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods" and within "Neighbourhoods - Outer Suburbs" as provided for in section 2.5 thereof;

- “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under Section 28 of the Planning and Development Act 2000 (as amended) by the Department of Housing, Local Government and Heritage in December 2020;
- “Urban Development and Building Height Guidelines for Planning Authorities”, issued by the Department of Housing, Local Government and Heritage in December, 2020, according to Special Planning Policy Requirement (SPPR1) of which it is government policy to support increased building height and density in locations with good public transport accessibility, particularly near or in town/city cores;
- ‘Design Manual for Urban Roads and Streets’ 2012 (DMURS);
- The configuration of the site and, and the established pattern and character of the existing development in the surrounding area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties, would be acceptable in terms of pedestrian, vehicular and public safety and convenience and would constitute an appropriate form and scale of development at this location. 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 23<sup>rd</sup> day of April, 2021, and by the further plans and particulars received by An Bord Pleanála on the 25<sup>th</sup> day of June 2021, 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. For the avoidance of doubt, this permission is for 16 residential units only (one number one-bedroom, twelve number two-bedroom, and three number three-bedroom units) as set out in the plans and particulars received by An Bord Pleanála on the 25<sup>th</sup> day of June, 2021.

**Reason:** In the interest of clarity.

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

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

4. Water supply and drainage arrangements, including the 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.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all 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. Public 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 unit.

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

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and in the interest of clarity.

9. 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, management measures for noise, dust and dirt, and construction traffic management proposals.

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

10. 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. 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 sustainable waste management.

11. Any alterations to the public road shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the applicant's expense.

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

12. 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 and for the ongoing operation of these facilities 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.

13. The car parking spaces within the development shall be reserved solely to serve the proposed development, and shall not be sold, rented or otherwise sub-let or leased to other parties. One clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose, with the remaining spaces allocated for visitor parking.

**Reason:** to ensure that the parking facilities are permanently available to serve the proposed residential units.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interests of residential and commercial amenity.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

16. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual amenity.



17. All planting/landscaping shall be completed in accordance with the landscaping plans and particulars, as submitted to the planning authority on the 23<sup>rd</sup> day of April, 2021. If any plants die or are otherwise lost during a period of five years, they shall be replaced by a plant of the same species, variety and size within the next planting season following such loss.

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

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.

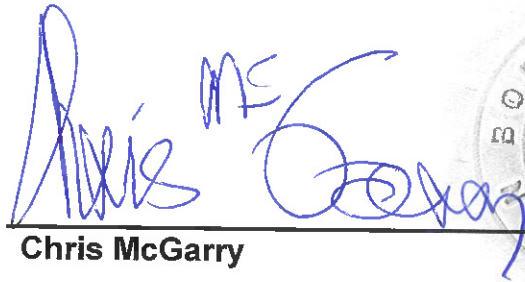
19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 of the development.

20. 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.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this**  **day of**  **2021.**