

An
Bord
Pleanála

Board Order
ABP-311352-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 21/217

Appeal by Davy Holdings care of MKO Planning and Development Consultants of Tuam Road, Galway against the decision made on the 16th day of August, 2021 by Galway City Council to refuse permission for the proposed development.

Proposed Development: (A) Permission for amendments to lower ground floor car park layout to include three number internal car-parking spaces; minor alterations to courtyard levels and layout to include three number external car-parking spaces; reduction of boundary wall (at Eastern elevation) from 2 metres to 0.6 metres plus railing; provision of one number external vent; and provision of two number bicycle racks to accommodate 10 number bicycle spaces. (B) Retention permission for one number external LPG gas tank; current lower ground floor car parking layout; lower ground floor storage area; two number lower ground floor external vents; pedestrian ramps at ground floor level, including associated tree removal; 2.1 metre blockwork wall at ground floor level; amended window detail and ground floor external seating area and associated planter boxes; stainless steel flute outlet at Dún Daingean, Newcastle, 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.

Reasons and Considerations

Having regard to :

- the increase in proposed on-site car parking spaces to six number compared to the number of spaces proposed under appeal reference numbers ABP 305930-19 (planning register reference number 19/249) and ABP 308012-20 (planning register reference number 20/160);
- the autotrack analysis indicating access and egress from the proposed car parking spaces submitted with the application;
- the proposed reprofiling/alterations to the courtyard levels;
- the reduction in height of the boundary wall from 2 metres to 0.6 metres plus railings, thereby improving sightlines and visibility for vehicles and pedestrians, and
- the car parking standards as indicated in the Galway City Development Plan 2023-2029.

The Board considered, subject to conditions, that the on-site car parking proposal would not generate additional demand for car parking on the local road network, would not pose an unacceptable risk to vehicles or pedestrians nor cause obstruction of other road users and would generally be acceptable in terms of traffic safety and convenience.

The Board concurred with the Inspector with regards to all other items of the proposed development and, subject to compliance with the conditions set out below, the Board considered that the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall:
 - (i) implement the reprofiling/alterations to the courtyard levels as indicated in drawing titled 'Site Layout & Items for Completion' received by the planning authority on the 24th day of June 2021;
 - (ii) reduce the height of the front (east) boundary wall from 2 metres to 0.6 metres with railings over as indicated in the plans and particulars submitted with the application, and

- (iii) provide for on-site surface demarcation for all six car parking spaces as indicated in the plans and particulars submitted with the application.

The above works shall be carried out within six months of the date of this Order to the written satisfaction of the planning authority.

Reason: In the interests of pedestrian and traffic safety, in the interests of clarity and to provide for orderly development.

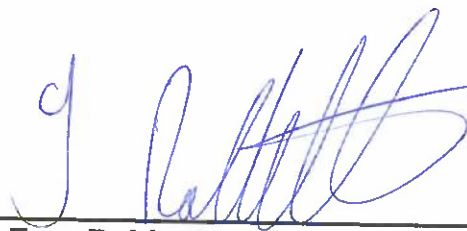
- 3. The layout of the lower ground floor shall be amended as follows:
 - (i) The 10 number bicycle parking spaces shall be provided in the lower ground floor within the identified 'storage area to be retained' as indicated in the drawing titled 'Permitted and Proposed Lower Ground Floor Plans' received by the planning authority on the 24th day of June 2021. (The bicycle parking shall not be provided at ground level as indicated in the 'proposed site layout plan' received by the planning authority on the said date.)
 - (ii) Subject to compliance with item (i) above the remaining area in the identified 'storage area to be retained' in the lower ground floor shall be subdivided into five number individual 'lock-up' storage areas and each apartment in the development shall be allocated one 'lock-up' storage area for use ancillary to the apartment's residential use.

The applicant shall submit to, and agree in writing with, the planning authority an amended lower ground floor plan and sections at a scale of not less than 1:100 indicating compliance with this condition and the said works shall be carried out within six months of the date of this Order to the written satisfaction of the planning authority.

Reason: In the interests of residential amenity, clarity and the proper planning and sustainable development of the area.

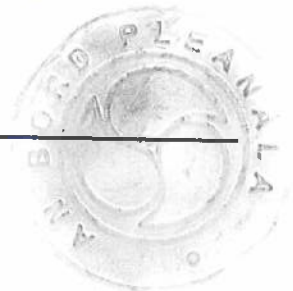
4. Drainage arrangements, including the attenuation of all surface water, shall be in accordance with the requirements of the planning authority.

Reason: In the interest of public health.



Tom Rabbette

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



Dated this 12th day of April 2023