

An
Bord
Pleanála

Board Order
ABP-319298-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 23121

Appeal by Tim Tarpey care of Tom O'Regan and Company Solicitors of Lickadoon House, 88 Lower Salthill, County Galway and by Richard Lynch and Helen Fahy of 58 Cnoc an Oir, Letteragh Road, Ragoon, Galway against the decision made on the 23rd day of February, 2024 by Galway City Council to grant subject to conditions a permission to Callanan and Walsh Construction Company Limited care of James O'Donnell Plannig Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of a vacant two-storey dwelling/guesthouse fronting onto Letteragh Road, together with the demolition of two number single storey vacant shed/workshop buildings and associated structures via an existing laneway, together with removal of demolition waste. The construction of 28 number residential units in three number separate blocks. Block 1 will comprise of a two-storey duplex terrace building fronting onto Letteragh Road, to accommodate three number Type A two-bedroom ground floor apartments, three number Type B first floor two bedroom apartments. Block 2 will comprise of a three-storey duplex terrace

building fronting onto the existing laneway, to accommodate five number Type C ground floor one-bedroom apartments and five number Type D first and second floor two-bedroom apartments. Provision of footpath along the western edge Letteragh Road frontage, including connections with existing footpaths, road line markings and all associated alterations as required. Alterations to existing access points including provision for pedestrian crossings at the entrance to the existing laneway as well as the entrance to the Cnoc An Oir housing estate. Provision of residential car parking along existing laneway, including dedicated EV charge spaces and ducting to all spaces for future charging points. Provision of shared communal open space, playground area, landscaping, secure bicycle parking, bin storage, public lighting, connections to existing services, revised boundary treatment and all associated site development works at Letteragh Road, Galway, as amended by the further public notices received by the planning authority on the 1st day of December, 2023. The main revisions to the proposed development include; overall reduction of the amount of residential units from 28 number units to 26 number units; revised mix of unit types to consist of 10 number one-bed units, 15 number two-bed units and one number three-bed unit; increase in the building height at the northern section of Block 1 from two storeys to 2.5 storeys; minor revisions to site layout and elevations; increase in on-site car parking from 28 number spaces to 32 number spaces; minor revisions to landscaping plan, together with all associated landscaping, site works and services.

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 location of the existing underutilised brownfield site within the 'existing built up area' of Ragoon on zoned and serviced lands, the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, specifically Table 3.2 - Areas and Density ranges-Limerick, Galway and Waterford City Suburbs, and the Galway City Development Plan 2023-2029, specifically Policy 3.4 regarding suburban neighbourhoods-outer suburbs, the established pattern of residential development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core Strategies of the Development Plan, would be appropriate and would not result in the creation of a traffic hazard or seriously injure the amenities of adjacent properties within the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the recommendation of the Inspector in respect of the condition requiring perimeter screens to a height of 1.8 metres, comprising obscured glazing along the perimeter of all above ground floor balcony areas associated with each residential unit. However, having examined the totality of the documentation including the distance from the balconies (all at first floor level) to the respective site boundaries in excess of 11 metres in all but 1 case (and not directly overlooking private open space in that case in Block 1) and the urban context of the development, the Board determined the development would not result in significant overlooking of the adjacent properties nor injure the residential amenities of those properties. The Board therefore determined that the condition was not necessitated on the facts of this case.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on any European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Appropriate Assessment Screening Report and other documentation submitted with the application to Galway City Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on Lough Corrib Special Area of Conservation (Site Code 000268) or any other European Site in view of the conservation objectives of the sites, and concluded that a Stage 2 Appropriate Assessment is not required.

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 15th day of November 2023 and the 29th day of January 2024, 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 number of residential units granted in this permission is 26.

Reason: In the interest of clarity.

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. Prior to the commencement of development, proposals for increased on-site attenuation shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

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

Reason: In the interest of visual and residential amenities.

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6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of pedestrian, cyclist, and traffic safety.

7. (a) Final details of the pedestrian crossings on the eastern perimeter of the appeal site with the Letteragh Road, including details of surfacing and construction of footpaths and footpath tie-ins within the development, access and traffic arrangements as submitted with the application shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. It shall be the responsibility of the developers to implement all of the recommendations set out within the Road Safety Audit, Stage one of two, submitted as part of the planning documentation to the planning authority on the 17th day of May 2023.

- (b) Final details of the setting back of the appeal site along the western boundary of the appeal site along the Letteragh road shall be submitted for the written agreement of the planning authority prior to the commencement of development.
- (c) The developer shall apply for and be issued with a road opening licence from Galway City Council prior to the commencement of any works along the perimeter of the Letteragh road.

Reason: In the interest of public safety and sustainable transportation.

- 8. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

- 9. Proposals for a naming and 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 numbers shall be provided in accordance with the agreed scheme.

Reason: In the interest of amenity and of the proper planning and sustainable development of the area.

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10. 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 and residential amenity.

11. The landscape masterplan and soft landscape plan shown on drawing numbers 2269-1 and 2, as submitted to the planning authority on the 15th day of November 2023, shall be implemented within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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13. 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 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.

14. The construction of the development shall be managed in accordance with a Construction Traffic and Environmental Waste 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, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, construction traffic and parking, management of laying of independent foul sewer line, liaisons with neighbours during the construction period, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

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


15. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority full details of the proposed public lighting along the Letteragh Road and throughout the residential scheme, including the lighting levels within open space areas of the development.

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

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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 for the area.

17. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act, 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the
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planning authority that it has not been possible to transact each specified house unit or duplex for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. 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 interest of residential amenity.

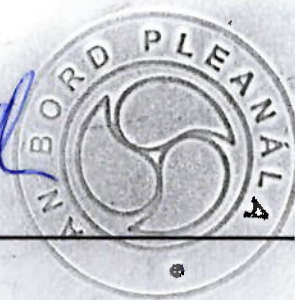
19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.

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.

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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.



Peter Mullan

Member of An Bord Pleanála

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

Dated this 18th day of February, 2025.