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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1864**

**Appeal** by Loughrea Boxing Club of Pigott's Street, Loughrea, County Galway against the decision made on the 6<sup>th</sup> day of May, 2020 by Galway County Council to grant subject to conditions a permission to Niamh Shaughnessy care of DGS Consulting of Main Street, Loughrea, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Demolition of existing derelict dwelling house and (b) construction of two number two-storey townhouses and all associated site development works, all at Pigott's Street, Loughrea, County 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.**

## **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 County Development Plan, 2015 - 2021, and to the Loughrea Local Area Plan, 2012 – 2022, according to which the site is located within an area subject to the zoning objective C1: Town Centre/Commercial, which is to “promote the development of the town centre as an intensive, high quality, well landscaped, human scaled and accessible environment with an appropriate mix of uses, including residential development”, and to the location within the area of the Loughrea Architectural Conservation Area, and adjacent to the former Church of Ireland included on the record of protected structures (RPS 320), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the historic architectural character of the Architectural Conservation Area, the visual amenities of the area or the established pattern of development in the area and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 submitted on the 9<sup>th</sup> day of April, 2020, 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 developer shall comply with the Conservation Strategy, as set out in the Detailed Architectural Appraisal and Impact Assessment submitted to the planning authority on the 9<sup>th</sup> day of April, 2020, and with the “Architectural Heritage Protection Guidelines for Planning Authorities”, issued by the Department of Arts, Heritage and the Gaeltacht in 2011.

**Reason:** In the interests of clarity and orderly development.

3. All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

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

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

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

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

7. 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 interests of amenity and of the proper planning and sustainable development of the area.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. 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.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**

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the seal of the Board.

Dated this            day of            2020.