



An
Bord
Pleanála

Board Direction
BD-015363-24
ABP-315603-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/02/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the location of the site within an area designated as being under strong urban influence in the Galway County Development Plan 2022-2028, and to the policies and objectives and the development standards in the Plan, it is considered that, the applicant has substantiated a Rural Housing need. The Board decided that due to the applicants unique and specific personal circumstances the applicant has demonstrated compliance with policy objective RH2, specifically RH2 1(c). 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 submitted to the Planning Authority on the 21st day of October 2022 and by further plans and particulars received by An Bord Pleanála on the 18th day of January 2023, 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 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under Section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3 Prior to the commencement of development, boundary treatment details for the shall be submitted for the written agreement of the Panning Authority.

Reason: In the interest of residential and visual amenity.

4 The entrance shall be as set out within the Site layout Plan drawing submitted to the Planning Authority on the 21st day of October 2022. Final details of the roadside boundary set back within the red line application site boundary and the section of

walled boundary within the family land holding south-east of the appeal site shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

The boundary set back, and entrance details as agreed with the planning authority shall be completed prior to the construction of the house.

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

5 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6 a) The applicant shall enter into a water connection agreement(s) with Uisce Eireann prior to the commencement of this development.

b) Water supply and drainage arrangements, including 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.

7 (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the detail submitted to the Planning Authority on the 21st day of October 2022. and in accordance with the requirements of the document entitled: Code of Practice - Wastewater Treatment and Disposal Systems Serving Rural Dwellings (p.e .≤ 10) – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) Within three months of the occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and

commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8 The proposed domestic garage shall be used for domestic storage purposes ancillary to the proposed dwelling and shall not be used for any commercial or habitable use without a prior grant of planning permission.

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

9. 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.

Reason: In the interests of visual and residential amenity.

10. 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.

Board Member



Mary Henchy

Date: 07/02/2024