

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: 15/1107

An Bord Pleanála Reference Number: PL 07.246315

APPEAL by Oranhill Residents Association care of Grainne Cotter of 18 Oranhill, Oranmore, County Galway and by John Barry of 17 Oranhill Road, Oranmore, County Galway against the decision made on the 1st day of March, 2016 by Galway County Council to grant subject to conditions a permission to Thomas Considine, Patrick Sweeney and Ronnie Greene care of O'Neill O'Malley Limited of Second floor, Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction 68 two-storey houses consisting of 48 number four bed semi-detached, four number three bedroom semi-detached, nine number four bedroom detached, four number three bedroom detached and a terrace of three number three bedroom houses, together with all associated site works and landscaping at Oranhill, Oranmore, 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 residential zoning of the site in the Galway County Development Plan 2015-2021, to the nature and scale of the proposed development and to the existing and emerging pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety, would not give rise to any unacceptable flood risk in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the proposed development is of a class of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended, which would require an Environmental Impact Statement but is below the threshold set out therein. Accordingly, the Board carried out a screening exercise in relation to likely significant effects of the proposed development on the environment, on its own and cumulatively, noted the Environmental Impact Statement screening and conclusions by the Inspector and concluded that the proposed development having regard to its nature and scale would not be likely to have significant effects on the environment. The Board decided, therefore, that an Environmental Impact Statement for the proposed development was not necessary in this case.

The Board carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, and having regard to its nature and scale, to the receiving environment, to the Habitats Directive screening statement submitted to the planning authority, to the submissions on file generally, and to the Inspector's assessment, which is noted, concluded that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

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 lodged on the 3rd day of February 2016, 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. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

3. 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 dwelling.

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

4. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5. Details of the development of the lands to the east for open space/recreation and amenity, together with the timescale, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to improve the amenity and recreation facilities in the area.

6. Boundary treatments shall generally be constructed in accordance with drawing number 3003 Rev A (Boundary Wall Treatment) received by the planning authority on the 3rd day of February 2016, except the boundary shown between rear gardens which shall be revised to a solid block wall, 1.8 metres in height, which shall be capped and rendered on both sides, to the written satisfaction of the planning authority.

Reason: In the interest of residential and visual amenity.

7. 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.

8. Prior to the making available for occupation of any house, the internal road network serving the house shall be constructed to at least base wearing course.

Reason: To ensure timely and satisfactory provision of such site development works.

9. The internal road layout, access, line-marking and road crossings shall be carried out generally in accordance with drawing number 7731-2003 Rev B (Proposed Road Layout) received by the planning authority on the 3rd day of February, 2016 and shall include any amendments as may be required by the planning authority. Where such amendments are required, these shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and safety of vulnerable road users.

10. Prior to commencement of development, land required by the planning authority for junction arrangement and extension of the distributor road on the eastern boundary of the site as indicated on Drawing Number 7731-2003 Rev B (Proposed Road Layout), received by the planning authority on the 3rd day of February 2016, shall be reserved free from development and shall be marked out on site in consultation with the planning authority.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road and junction works.

11. Proposals for the estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility.

12. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in October, 1998 and Galway County Council's current 'Taking in charge of Developments' policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

13. 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.

14. 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 interest of amenities, public health and safety.

15. 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.

16. 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 of the development.

17. 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.

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

Dated this day of 2016.