



An  
Bord  
Pleanála

**Board Order**  
**PL 07.249365**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 17/1087**

**Appeal** by Baile Bhruachlain Teoranta care of McCarthy Keville O'Sullivan of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 11<sup>th</sup> day of September, 2017 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** (1) Demolition of the existing dwelling and associated structures, (2) construction of a two-storey Primary Care Centre, (3) construction of 49 number residential units comprising: four number house Type A1, six number house Type A2, 23 number house Type B1, four number house Type C1, and 12 number duplex house Type D1, (4) vehicular and pedestrian access from the N59, and (5) provision of shared communal and private open space, site landscaping, car parking, services and all associate site development works, all at Kylebroghlan, Moycullen, 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 settlement strategy set out in the Galway County Development Plan, 2015-2021, to the zoning and specific objectives for site location which is adjacent to the village core and within the development boundary for the Moycullen Local Area Plan, 2013-2019 it is considered that, subject to compliance with the conditions set out below, the proposed development would not be in material conflict with the transportation and infrastructure objectives providing for an Inner Relief Route for Moycullen, would not seriously injure the visual amenities or landscape character of the area, would not seriously injure the residential amenity standards that would be attainable for the benefit for the future occupants, would not endanger public safety by reason of traffic hazard or by reason of traffic generation and additional turning movements by the development causing obstruction to other road users and would not be prejudicial to public health having regard to the proposed arrangements for foul and surface water drainage. 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 lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 6<sup>th</sup> day of October, 2017, except as may otherwise be required 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 details.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and primary care centre shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be in blue-black or slate grey in colour only.

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

3. The public open space and home zone areas shown on the lodged plans shall be levelled, contoured, soiled, seeded, and landscaped in accordance with a landscaping scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall be implemented prior to occupation of the dwellings and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** To ensure the satisfactory completion of the public open space within the development.

4. Details of hard and soft landscaping within the perimeter of the site, including all materials and finishes, shall be submitted to and agreed with the planning authority prior to commencement of the development.

**Reason:** In the interest of the visual and residential amenities of the area.

5. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

**Reason:** In the interests of residential and visual amenity.

6. The internal shared surface circulation routes, carparks and roadside parking spaces and footpaths and kerbs shall be fully completed prior to the occupation of the residential units and commercial building. These works shall be in accordance with the standards set out in the Design Manual for Urban Roads and Streets (2013).

**Reason:** In the interest of vehicular and pedestrian safety and convenience and the amenities of the development.

7. All service cables associated with the proposed development 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.

8. 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.

9. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hours and 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of the residential amenities of the area.

10. Proposals for a development name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

12. A plan containing details for the management of waste including separation of recyclable materials within the development, facilities for the storage and arrangements for collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste.

13. A traffic management plan for the demolition and construction phase of the development shall be submitted and agreed in writing with the planning authority prior to commencement of development. It shall include details of construction traffic routing, the number of trips generated for deliveries and collections of materials from the site, provision for a storage compound and parking provision within the site, wheel washing and measures for control of dust and other pollutant materials the installation of which shall be the responsibility of the applicant.

**Reason:** In the interest of clarity, public health and safety, orderly development and the protection of the residential amenities of the adjoining properties.

14. 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.

15. 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 of roads, footpaths, watermains, drains, 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 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.

