



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 18/556

Appeal by The Maltings Residents' Association care of Oliver Higgins Chartered Engineers of Unit 4B, Oranmore Business Park, Oranmore, County Galway against the decision made on the 25th day of June, 2018 by Galway County Council to grant subject to conditions a permission to Aidan McGuinness care of McCarthy Keville O'Sullivan of Block 1, G.F.S.C., Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of five number residential units provided as follows: four number 2.5 storey semi-detached Type A houses; and one number two-storey detached Type B house and associated domestic garage together with the provision of vehicular and pedestrian access from the Athenry Road (N66) via 'The Maltings' residential development immediately south of the proposed site and all associated landscaping, boundary treatment, site works and connection to existing services, all at Cosmona, 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 provisions of the Galway County Development Plan 2015 – 2021, to the provisions of the Loughrea Local Area Plan 2012-2018, and having regard to 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 acceptable in terms of traffic safety and convenience, would be adequately served by existing infrastructure, would not seriously injure the amenities of the area or of property in the vicinity and would not have an adverse impact on the visual amenity or character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the

proposed development within a zoned and service urban area, the Appropriate Assessment Screening Report submitted with the application, and the Inspector's report and submissions on file. 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 any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 public lighting, roads, footpaths, sewers, watermains and open spaces shall be constructed in accordance with the requirements outlined in Galway County Council's Taking in Charge of Developments (September, 2008) or any amended version of this document.

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

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development (including proposed brick, roofing materials, windows, doors and gates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of design.

4. Public lighting shall be provided in accordance with a scheme, details and design of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of amenity and public safety.

5.
 - (a) Only clean contaminated storm water shall discharge to any soakaway system.
 - (b) All other surface waters shall be disposed of in accordance with the proposals submitted to the planning authority on the 2nd day of May, 2018.
 - (c) The development shall not impair existing land or road drainage.

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

6. Proposals for a 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.

Reason: In the interest of urban legibility.

7. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

8. 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.

9. The landscaping scheme shall be carried out 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 shall be replaced within the next planting seasons with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

10. 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 noise management measures and off-site disposal of construction/demolition waste.

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

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. The site works and building works required to implement the development shall only be carried out between 0700 hours and 1800 hours from Monday to Friday, and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and public holidays.

Reason: To safeguard the residential amenities of the surrounding area.

13. 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 services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 agreement.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. 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.

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

Dated this day of 2019.