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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 18/1615**

**Appeal** by Eric and Deirdre van der Zee of 67 Ashthorn Avenue, Headford, County Galway against the decision made on the 16<sup>th</sup> day of January, 2019 by Galway County Council to grant subject to conditions permission to Sathel Limited care of Deane Associates of Old Church Road, Williamstown, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of house plans and revised site layout reducing density from 76 units to 70 units and associated site works and services previously granted under planning register reference number 17/1264 at Gortnamona, Headford, 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 relevant provisions of the Galway County Development Plan 2015-2021 and the Headford Local Area Plan 2015-2021, to the existing pattern of development in the vicinity, to the planning history of the site and the extant permission for residential development at the site, and having regard to the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of visual amenity, would not be prejudicial to public health and would be acceptable in terms of pedestrian and traffic safety. 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 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. This grant of permission shall expire on the expiry date of the parent permission under planning register reference numbers, 07/518, 12/411 and 17/1264. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference numbers 07/518, 12/411 and 17/1264.

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

3. Details of the materials, colours and textures of all external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All roofs, including ridge tiles, shall be blue-black, slate grey or brown in colour only.

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

4. Public lighting shall be provided in accordance with a scheme 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 by the developer for occupation, of any house.

**Reason:** in the interests of amenity and public safety.

5. All water management measures, as set out in the Flood Risk Assessment dated October 2018, and submitted with the planning application, shall be implemented in full.

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

6. 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. All existing overhead cables bounding or crossing the site shall be undergrounded at the developer's expense, and to the detailed requirements of the relevant utility provider.

**Reason:** in the interests of visual and residential 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. The developer shall agree the full details of foul sewerage and surface water provisions in writing with the planning authority, prior to the commencement of development.

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

8. The site shall be landscaped in accordance with the landscaping drawings submitted with the application. Final details of a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall

retain the services of a suitably qualified landscape architect throughout the duration of the site development works. The developer's landscape architect shall certify to the planning authority in writing his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

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

9. Sight distance triangles shall be maintained and kept free from vegetation or other obstructions, that would reduce the minimum visibility required.

**Reason:** In the interest of traffic safety.

10. The development shall be carried out and completed in accordance with the 'taking-in-charge' standards of the planning authority. The entire development shall be maintained by the developer until such time as it is taken in charge by the planning authority. No private management company shall be established to maintain the estate.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity, until taken in charge, and to comply with national policy in relation to the taking in charge of residential estates.

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

the time of taking in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

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

12. All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high (maximum two metres), except where bounding public open spaces or roads, when the walls shall be two metres in height, rendered and capped, or by concrete post and concrete panel fences.

**Reason:** In the interest of residential amenity and to ensure the use of durable boundary treatment.

13. Proposals for an 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.

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

14. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

15. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is located.

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

16. 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, off-site disposal of construction/demolition waste and details of proposed parking/storage areas for construction vehicles/machinery.

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

17. 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.

18. 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 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 of the development.

19. 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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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**

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the seal of the Board.

Dated this            day of            2019.