



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 19/803

Appeal by Jonathon Corban of 2 Hillcrest, Tynagh, Loughrea, County Galway against the decision made on the 17th day of July, 2019 by Galway County Council to grant subject to conditions a permission to John and Emma Sheil care of Padraig Connell of 2 Fairview Terrace, Garden Vale, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a dwellinghouse, domestic garage and single dwelling treatment system with percolation area and all associated site works at Tynagh, 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 location of the site within the 50 km/h speed limit of the settlement of Tynagh, to the relevant provisions of the Galway County Development Plan 2015-2021, to the pattern of development in the area and to the scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan objectives for the area, would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the amenities of property in the vicinity and would not adversely affect the integrity of archaeology in the area, nor the integrity of recorded monuments, GA116-120 - Church, GA116-120001 - Graveyard and monument, and GA116-120002 - Ecclesiastical Site. 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. (i) The developer shall engage the services of a suitably qualified archaeologist to carry out full excavation of the archaeological feature uncovered during archaeological testing of the development site and the surrounding area should be stripped of topsoil to ensure that any associated features are fully resolved. The excavation should be licensed under the National Monuments Acts 1930-2004.
- (ii) All ground works associated with the development shall be archaeologically monitored. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (for example, preservation in situ or excavation). The developer shall facilitate the archaeologist in recording any material found.

- (iii) The planning authority and the Department of Culture, Heritage and the Gaeltacht, shall be furnished with a report describing the results of the excavation and the monitoring exercises.

Reason: To ensure the continued preservation (in situ or by record) of any features or other objects of archaeological interest.

3. The detached garage shall be used solely for purposes ancillary to the residential use of the dwelling and shall not be used for commercial purposes or human habitation, sublet, sold separately, otherwise transferred or conveyed, except in combination with the dwelling.

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

4. Prior to commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

5. Any new construction for the front boundary wall shall be constructed in local stone which shall not exceed one metre in height when measured from the outer side and any indigenous hedgerow planting shall be maintained at a height of one metre.

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

6. Sightlines shall be maintained and kept free from vegetation or other obstructions.

Reason: In the interest of public safety.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and hedgerow planting along the side and rear boundaries details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, following the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and rural amenity.

9. The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted with the planning application and in accordance with the requirements of “Wastewater Treatment Manual: Treatment Systems for Single Houses, (p.e. less than or equal to 10)”, published by the EPA in 2010 as supplemented by “Code of Practice Clarification” (20th February, 2012). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Within three months of the first 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of clarity and public health.

10. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health

12. 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.

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

Dated this day of 2019.