

Planning and Development Acts 2000 to 2020

Planning Authority: Galway County Council

Planning Register Reference Number: 20/989

Appeal by the Dublin Road/Creagh Residents Association care of Christopher Waters of Church Street, Kilgarve, Creagh, Ballinasloe, County Galway against the decision made on the 12th day of May, 2021 by Galway County Council to grant subject to conditions a permission to Carbon Sole Power Limited care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a housing development comprising of 47 number houses. The development will consist of one number house type 'A' - three bed detached bungalow, one number house type 'B' two bed detached bungalow, four number house type 'C' one bed terraced bungalow, one number house type 'C1' two bed terraced bungalow, two number house type 'D' two bed detached bungalow, one number house type 'E' – two bed semi-detached two storey, one number house type 'E1' - two bed semi-detached, two storey, nine number house type 'F' – three bed semi-detached two storey, one number house type 'F1' - three bed semi-detached two storey, 16 number house type 'G' – two bed terraced two storey, and 10 number

house type 'H' two bed semi-detached, two storey. The proposed development includes demolition of an existing bungalow and outbuildings along Church Street/Dublin Road (R446). Replacement of existing access with the construction of a new access onto the R446 to serve the development, connection to public mains water infrastructure including connection to existing surface water, foul drainage networks and construction of on-site sewerage pumping station to serve the development, provision of communal open space areas, a playground, private open space, bicycle parking, footpath, public lighting, soft and hard landscaping and revised boundary treatments together with all associated site works and services. all at Church Street/Dublin Road (R446), Kilgarve, Creagh, Ballinasloe, 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.

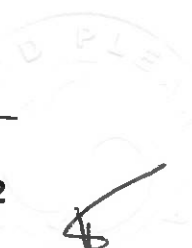


Reasons and Considerations

Having regard to location of the site within the development boundary of the Ballinasloe Local Area Plan, 2015-2021 according to which the site is subject to the zoning objective, 'R1' - 'Residential' and to the specific Objective LU 3 of the LAP, providing for a phased, sequential approach on residential zoned land with strong emphasis on consolidation on existing patterns of development and encouragement of infill opportunities and promotion of sustainable transport options, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural amenities and visual amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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, as amended by the further plans and particulars submitted to the planning authority on the 19th day of March 2021, including the Natura Impact Statement, and by the further plans and particulars received by An Bord Pleanála on the 29th day of June, 2021, 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.



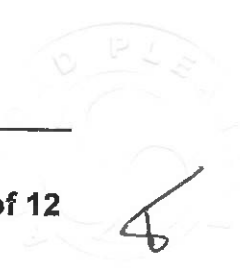
Reason: In the interest of clarity.

2. The construction of the development shall be managed in accordance with a Construction and Environmental 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. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of clarity, environmental protection, amenity, public health and safety, and the proper planning and sustainable development of the area.

3. 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, "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.



4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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.

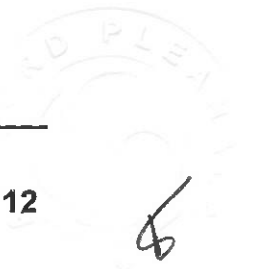
Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the proposed arrangements for 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.

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

Reason: In the interest of public health.



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. All existing over ground cables shall be relocated underground as part of the site development works.

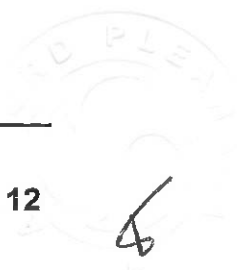
Reason: In the interests of visual and residential amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 house.

Reason: In the interests of amenity and public safety.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works. and shall comply with DMURS (The Design Manual for Urban Roads and Streets).

Reason: In the interest of amenity and of traffic and pedestrian safety.



11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy.

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

12. All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

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. No advertisements/marketing signage shall be erected without the prior written agreement of the planning authority.

Reason: In the interest of legibility and clarity.

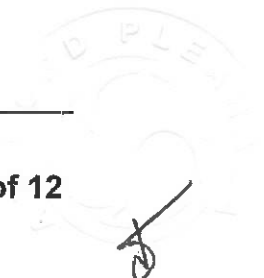
14. (a) All boundary walls facing open spaces shall be finished in local stone, unless otherwise agreed in writing with the planning authority.
- (b) All internal side and rear boundaries between dwellinghouses shall be 1.8 metres in height and shall be constructed of plastered blockwork.
- (c) All boundaries to the side and front shall be 600 millimetres in height and finished in local stone unless otherwise agreed in writing with the planning authority.

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

15. All of the design and mitigation measures set out in Section 3 of the Natura Impact Statement submitted to the planning authority on the 19th day of March, 2021 shall be strictly adhered to and implemented in full.

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

16. A plan containing details for the management of waste including recyclable materials within the development, and facilities for the storage, separation and collection including the ongoing operation of these arrangements for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

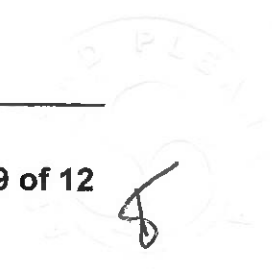


Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

17. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. 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.

- 19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity. Yes

20. 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.

21. 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, 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 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 and maintenance of the development.

22. 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.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 28th day of October 2021.

