

An  
Bord  
Pleanála

Board Order  
ABP-310697-21

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## Planning and Development Acts 2000 to 2020

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 20/1353**

**Appeal** by Corestone Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 3<sup>rd</sup> day of June, 2021 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of 54 number dwelling units comprising eight number two storey plus attic, four bedroom dwellings, five number two storey four bedroom dwellings, 33 number two storey three bedroom dwellings, eight number two storey two bedroom dwellings, provision of 135 number car parking spaces; provision of pumping station and attenuation area, reconfigured site entrance together with parallel parking to Church Road, general provision of the public open space, landscaping and associated development works at Cùl na Coirre, Church Road, 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 zoning provisions and the planning history of the site, the pattern of permitted development in the area, the provisions of the Galway County Development Plan 2015-2021 and of the Headford Local Area Plan 2015-2021, and to the layout and design as proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants, would be acceptable in terms of pedestrian and traffic safety, and would constitute an acceptable form of residential development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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In deciding not to accept the recommendation of the Inspector to issue a split decision, incorporating a refusal of permission for development proposed within the south-eastern portion of the site, the Board considered the totality of the documentation submitted with the application and appeal, and determined that the proposed development within this portion of the site would constitute an acceptable form of design and layout having regard to its urban context and to the character of the wider area, and that the proposed layout would provide for an appropriate mix of open space, internal roads and forward facing residential development. Furthermore, it was determined that the layout in this portion of the site would be acceptable in terms of pedestrian and traffic safety.

### **Screening for Appropriate Assessment**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Board considered the documentation submitted with the application including the Appropriate Assessment Screening Report and accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on the European site - the Lough Corrib Special Area of Conservation (site code: 000297), or any other European site, in view of the site's conservation objectives.

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## 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 12<sup>th</sup> day of May, 2021 and as submitted to An Bord Pleanála on the 30<sup>th</sup> 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. This development shall be amended as follows:
  - (a) House number 18 shall be omitted, and House number 17 shall comprise a detached house occupying the full site of unit 17 and 18 as detailed on drawing number (PP)025 submitted in response to the planning authority further information request.
  - (b) House number 17 shall not be constructed within four metres of the red line boundary to the west (bordering the watercourse).
  - (c) Provision shall be made for a pedestrian route from the open space at the centre of the site up to and abutting the boundary with the adjoining Moyne Villa Soccer Club.
  - (d) Rear garden boundaries shall consist of block walls or concrete post and concrete panel fences



- (e) Junctions shall be raised for traffic calming using tactile paving and dished kerbs and shall be in accordance with the relevant provisions of the Design Manual for Urban Roads and Streets.

Revised drawings showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity, traffic safety and prospective permeability with adjoining recreational lands.

3. External finishes including all materials, colours and textures shall be in accordance with the details submitted to the planning authority, unless otherwise agreed prior to commencement of development.

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

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.

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

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.

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

7. Public lighting shall be provided in accordance with a scheme, 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.

8. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1300 on Saturdays, and not at all on Sundays or 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 the interest of protecting the residential amenities.

9. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

**Reason:** In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

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10. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and 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.

11. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 12<sup>th</sup> day of May, 2021. This work shall be completed before any of the dwellings are made available 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, these open spaces shall be vested in the local authority as public open space, at no cost to the authority.

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

12. 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 clarity, orderly development and amenity.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

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 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.

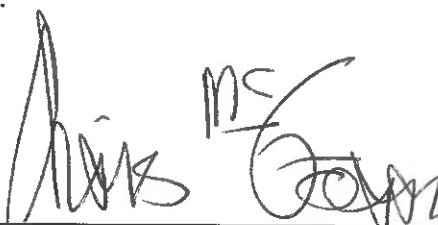
**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

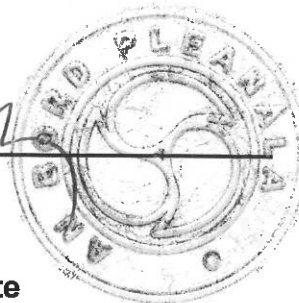
16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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 or 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 determination.

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

17. 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 17<sup>th</sup> day of December 2021.