



An
Bord
Pleanála

Board Order
ABP-312277-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/399

Appeal by Zoe Coffey of Ballynacloghy, Maree, Oranmore, County Galway and by Marlys Coffey of Bluebell Cottage, Ballynacloghy, Maree, Oranmore, County Galway against the decision made on the 2nd day of December, 2021 by Galway County Council to grant subject to conditions a permission to Ger Hyland and Selina O'Brien care of James O'Malley of Barracks Yard, James Street, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Amendments to previously granted planning permission, (Galway County Council planning register reference number 18/1435), to renovate and extend an existing semi-derelict dwellinghouse and provision of a new proprietary treatment system and all ancillary works. The proposed amendments include a change of house type and revised site layout with all associated site works at Ballynacloghy Road, Maree, 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.

Reasons and Considerations

Having regard to the policies and objectives of the Galway County Development Plan 2022 - 2028, and particularly RH7 relating to the renovation of derelict structures, to the satisfactory design and layout, scale, massing and siting of the house, and to the pattern of development within the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable, would not seriously injure the residential amenities of the area, would be acceptable in terms of visual amenity and would not adversely impact upon the adjacent road network capacity or safety or result in the creation of a traffic hazard. 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 9th day of November 2021 and by the further plans and particulars received by An Bord Pleanála on the 26th day of January 2022, 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 number 18/1435.

Reason: In the interest of clarity.

3. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The landscaping scheme shown on drawing number 21245-355, as submitted to the planning authority on the 18th day of March 2021, shall be carried out within the first planting season following substantial completion of external construction works. The existing mature trees and stone wall boundaries shall be retained within the site save for where their removal is required to respect the sight visibility triangle or to enable the construction of the proposed dwelling.

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 season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 and 1900 hours 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.

6. Water supply and drainage requirements, including the disposal and attenuation 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.

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. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and 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.
- (b) Treated effluent shall be discharged to a percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021
- (c) 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 and that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 Contributions Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 Contributions Scheme made under Section 48 of the Act be applied to the permission.



Stephen Brophy

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

Dated this 15 day of February 2023.