



An
Bord
Pleanála

Board Order
ABP-312499-22

Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Planning Register Reference Number: 21/82

Appeal by Martin J. Hughes of Ballagh, Bushypark, County Galway against the decision made on the 13th day of December, 2021 by Galway City Council to grant subject to conditions a permission to Erwin O'Toole care of Fergal Bradley and Company Limited of 2nd Floor, Augustine Court, Augustine Street, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new dwelling house, new domestic garage, new wastewater treatment, new percolation area and associated site works at Ballagh, Bushypark, 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 provisions of the Galway City Development Plan 2017-2023, the zoning objective 'LDR' (Lower Density Residential) of the site, the site size and configuration, the layout and design, access and drainage arrangements of the proposed development, and the existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the residential amenities of adjoining properties, would be acceptable in terms of public safety and convenience and 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 lodged on the 17th day of November, 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. Prior to the 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 residential amenities.

3. The boundary wall along the eastern frontage shall be constructed in local stone and may be supplemented by indigenous hedgerow. Boundary walls to the front shall not exceed one metre in height and those to the rear shall not exceed 1.8 metres when measured from the outer side.

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

4. 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 interests of residential and visual amenity.

5. (a) The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 17th day of November, 2021 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 Environmental Protection Agency in 2010. Arrangements in relation to the certification and ongoing monitoring and maintenance, inclusive of a contract, for the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 Environmental Protection Agency document.

Reason: In the interests of clarity and public health.

6. Drainage arrangements, including the design for the proposed soakaway system for collection, attenuation and disposal of surface water in accordance with BRE 365 standards shall be in accordance 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 interests of orderly development and public health.

7. Site development and building works shall be carried between the hours of 0800 and 1900, Mondays to Fridays excluding bank holidays and Sundays and 0800 and 1400 on Saturdays. 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 residential amenities.

8. Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority, a Construction Management Plan which shall include:
- (a) full details for proposed arrangements including a methodology for the proposed excavation of and imported of fill material within the site, and removal and disposal to a licensed facility by a fully licensed waste contractor prior to the commencement of construction and under the direction of a qualified engineer,
 - (b) location of the site and materials compound,
 - (c) location of areas for construction site offices and staff facilities,
 - (d) site security fencing and hoardings,
 - (e) timing and routing of construction traffic to and from the construction site and associated parking,
 - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (g) mitigation measures for noise, dust and vibration, and monitoring of such levels,

- (h) containment of all construction-related fuel and oil, and
- (i) arrangements for storage and removal of construction waste and measures for management of surface water run-off.

Reason: In the interests of orderly development, public amenity and safety.

- 9. Bathroom windows shall be top hung pivot opening only and fitted with obscure glazing.

Reason: In the interest of residential amenity.

- 10. 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.



Michelle Fagan

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

Dated this *3rd* day of *June* 2022.