

An
Bord
Pleanála

Board Order ABP-317101-23

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 23/60223

Appeal by Darren Duignan and others care of 58 Ard Breeda, Caherwalter, Loughrea, County Galway against the decision made on the 3rd day of May, 2023 by Galway County Council to grant subject to conditions a permission to Leanne O'Rourke care of OPC Design and Planning of Main Street, Loughrea, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of four number, four-bedroom dwellinghouses incorporating under dwelling domestic garages, new gated vehicular and pedestrian access to the site from Danesfort Road, proposed landscaping, car parking and all associated site services, all at Caherwalter, 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.

Reasons and Considerations

Having regard to the location of the infill site within the designated self-sustaining urban settlement of Loughrea, as set out within Chapter 2 of the Galway County Development Plan 2022-2028, and with the CGR1 policy objective in relation to Compact Growth and the development management standards in the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the landscape character within Loughrea or the coastal area, that the design and layout are appropriate to the particular characteristics of the site where the site levels fall considerably towards the Danesfort Road, would integrate appropriately with the established built environment of the area, would not increase the risk of flooding on site, and would not interfere with the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

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 accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the sites' Conservation Objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services with full details submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of public health.

3. The developer shall enter into a water connection agreement with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

4. (a) A landscape masterplan prepared by a suitably qualified professional shall be submitted for the written agreement of the planning authority. The landscaping scheme shall be implemented in full within the first planting season following substantial completion of external construction works.
- (b) 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.
- (c) Prior to commencement of development, boundary treatment details for the site boundaries shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential and visual amenity.

5. The entrance and access driveway serving the proposed development, shall comply with the detailed standards of the planning authority for such road works. Precise details of the proposed access and access road gradient shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

6. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

7. The garages approved as part of the development shall be used solely for purposes incidental to the enjoyment of the dwellinghouses and shall not be used for habitable or commercial purposes.

Reason: In the interest of orderly development.

8. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

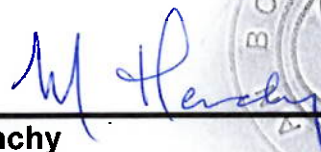
Reason: In order to safeguard the amenities of property in the vicinity.

9. 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 interest of visual and 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.



Mary Henchy

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

Dated this 11th day of July 2024.