



An
Coimisiún
Pleanála

Commission Order
ACP-322933-25

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 25/60401

Appeal by Stephen O'Rourke against the decision made on the 3rd day of June, 2025 by Galway County Council to refuse permission.

Proposed Development: Construction of three number offices and one number café at ground level. The upper levels will include a service plant room and four number residential units, comprising one number duplex unit and three number triplex units. There will also be ancillary signage, site works, boundary treatment, drainage systems and landscaping, all at Cosmona, Loughrea, County Galway.

Decision

GRANT permission for the above proposed development 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 Loughrea Local Area Plan 2024-2030 (LAP) and the Galway County Development Plan 2022-2028, including the C2 commercial/mixed use zoning objective for the site, as set out in the LAP, and also having regard to the nature and scale of the proposed mixed use development, the existing pattern of development in the area, and the planning history pertaining to the subject lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate form of development on this brownfield urban site, would be of an appropriate scale and height, would not adversely impact on the residential or visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, in relation to recommended refusal reason number 1, the Commission did not agree that the proposed four residential units on the site constituted an excessive level of residential development on the site. Residential use is 'open for consideration' on the C2 zoning and the proposed development also provides for commercial use. The Commission was, therefore, satisfied that the residential use, which is limited in the number of units proposed and located on the upper floors of the proposed development, would not undermine the role or function of the C2 zoned lands. The Commission did not consider Policy Objective LSST 5 of the LAP to be directly relevant to the proposed development; the said policy objective relates primarily to prioritising lands designated as Residential Phase 1 before the development of lands designated Residential Phase 2; the subject site is not so designated, it is zoned C2. The Commission further noted that permission

was previously granted for five residential units on this brownfield/infill urban site. Nor did the Commission agree that the proposed development would be contrary to Policy Objective LSST 21 of the LAP; the commercial uses proposed in the development deliver on that policy objective. In deciding not to accept the Inspector's recommended refusal reason number 1, the Commission also noted that the planning authority did not raise any concerns regarding the C2 zoning nor with Policy Objectives LSST 5 or LST 21 of the LAP in its decision to refuse permission and the Commission agreed with the planning authority in that regard. The Commission did not agree that the proposed development was ad-hoc or piecemeal; the Commission was satisfied that the Masterplan submitted in the grounds of appeal demonstrates how the proposed development would integrate with the existing development in the area and also allow for integration with possible future development on lands to the north.

In relation to the Inspector's recommended refusal reason number 2, the Commission did not share the concerns of the Inspector or the planning authority with regard to the overall design strategy of the proposed development. The Commission did not consider that the height at three and four storeys to be excessive. The Commission considered that the height showed due regard to the receiving environment by stepping down from four storeys to three storeys adjacent to the existing two-storey dwellings in The Maltings to the south and by the recessing of the upper fourth floor. The height proposed is supported by a number of national policy guidance documents, including the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Urban Development and Building Height Guidelines for Planning Authorities (2018). The proposed development seeks to create a strong urban edge where it addresses the large expanse of the commercial surface car park to the west rather than backing onto this area; this is to be welcomed. The Commission considered that the design strategy, as reflected in the cross-sections, of having the commercial content of the proposed development being accessed

from, and fronting onto, the established commercial land use to the west, while the residential component of the proposed development is accessed separately from, and fronts onto, the established residential land use to the east, to be of merit. The design strategy successfully addresses the challenges presented by the C2 zoning adjacent to residentially zoned lands and also successfully responds to the design challenges of the established built environment. The Commission was satisfied that the proposed development would provide a satisfactory standard of residential amenity for future occupiers as the proposed apartments generally comply with, and in some circumstances (e.g. proposed floor areas), greatly exceed, the standards of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022, updated July 2023). The Commission noted that the planning authority did not refuse permission on the grounds of the residential amenity of future occupants and, in that regard, the Commission concurred. The Commission did not agree that the proposed development would be contrary to Policy Objectives PM 1, PM 8, PM 10, UL 2 or development management standards DM 1 and DM 2 of the Galway County Development Plan 2022-2028.

In relation to recommended refusal reason number 3, the Commission considered that the trip generation from the four number residential units accessed via the existing residential development, The Maltings, would not pose an unacceptable risk to traffic or pedestrian safety. The Commission considered the applicant's submission in the grounds of appeal relating to traffic and transportation concerns raised in the planning authority's decision to be reasonable and robust. Given the relatively small-scale nature of both the commercial and residential elements, as proposed, and also noting that the commercial and residential access and parking are segregated, the Commission considered a refusal on traffic grounds to be unwarranted.

The Commission noted that the planning authority considered that the proposed development would contravene materially Policy Objectives PM 1, PM 8, PM 10, and UL2, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028. As indicated above, the Commission did not consider that the said policy objectives and development management standards are being contravened. Nor did the Inspector hold there to be any material contraventions of the statutory plans for the area.

Conditions

1. The proposed 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 received by An Coimisiún Pleanála on the 1st day of July, 2025, 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. The external finishes of the commercial and residential building shall be as set out in the plans and particulars submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenities and of clarity.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Road Safety Audit as referred to in 'Appendix 5: Roads Engineer Report by Trasky' as received by An Coimisiún Pleanála on the 1st day of July, 2025.

Reason: In the interest of traffic and pedestrian safety.

4. The landscaping scheme shown on the drawings titled 'Landscaping Plan' and 'Hard Landscaping & Shared Surfaces', as received by An Coimisiún Pleanála on the 1st day of July, 2025, shall be carried out within 12 months of the date of commencement of development. 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. 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.

6. 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 the development in the interest of residential amenity.

7. No signage, advertising structures, advertisements, external security shutters or other projecting elements, including flagpoles (including that which is exempted development under the Planning and Development Regulations 2001, as amended), other than those shown on the drawings submitted with the planning application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. The developer shall control odour emissions from the proposed café in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

9. Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the proposed development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

10. The internal road serving the proposed apartments, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0800 and 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 residential amenities of property in the vicinity.

12. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
Reason: In the interest of public health.
13. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.
Reason: In the interest of public health and to ensure adequate water and wastewater facilities.
14. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.
Reason: In the interest of public safety and amenity.

15. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement to An Coimisiún 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 for the area.

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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion 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 Coimisiún 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.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 9th day of MARCH 2026.