An Coimisiún Pleanála

Commission Order
PL-501690-GY-26

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 2660618

APPEAL by Theresa Murphy against the decision made on the 16th day of June 2026 by Galway County Council to refuse permission for the proposed development.

Proposed Development: For the (1) demolition of existing dwelling house and (2) construction of eight serviced dwelling houses at Gort, 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.

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Reasons and Considerations

The Commission considers that the proposed development, as amended by the omission of dwelling house No. 7 and subject to compliance with the conditions set out below, would be in accordance with the proper planning and sustainable development of the area. The site is a 0.32-hectare serviced brownfield infill site within the development boundary of Gort, adjoining established residential development. Its redevelopment for residential use accords with national and local policy supporting compact growth, the effective use of underutilised residential land and the delivery of housing within existing settlements. The Commission considers that the omission of dwelling house No. 7 is necessary to improve separation distances, the relationship between the proposed dwellings and adjoining properties, and the overall standard of residential amenity within this confined and narrow site. The resulting scheme of seven dwellings will provide a more satisfactory layout, improved spacing between built form and boundaries, and a better-quality residential environment for future occupants and adjoining residents. The reduction in the number of dwellings from eight to seven results in a modest reduction in the overall density of the scheme. The Commission does not consider that this reduction warrants refusal. The site remains a serviced brownfield infill site within the settlement boundary, and the revised scheme continues to make efficient and appropriate use of underutilised residential land. The density remains broadly consistent with the character of the adjoining residential development and with national and local policy supporting compact growth. The Commission's earlier decision in PL07.321719-25 accepted that the site could accommodate a residential scheme of the scale proposed or greater, subject to an appropriate layout. That decision refused the earlier six-unit scheme on layout and amenity grounds but did not refuse it on traffic safety grounds. The current proposal, as amended by the omission of unit number 7, provides an improved layout and responds directly to the site's physical constraints. The Commission considers that the quality of the layout and the protection of residential amenity take precedence over

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maximising the number of dwellings on the site. In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted that the Inspector accepted that refuse vehicles and fire appliances can manoeuvre within the site and acknowledged that the previous Commission decision did not refuse the earlier scheme on traffic safety grounds. The remaining concerns relate to the detailed design of the access, parking, visibility, pedestrian safety and the absence of a road safety audit. The Commission considers that these concerns can be adequately addressed by a road safety audit condition and does not consider that they warrant refusal of an otherwise acceptable small-scale infill housing scheme. The proposed access from Coole Haven, which has been taken in charge by Galway County Council, is acceptable in principle. The submitted swept path analysis demonstrates that service and emergency vehicles can be accommodated. The home zone, speed-reduction measures and ramps are appropriate to the scale and character of the development. Subject to the road safety audit and any remedial measures required by that audit, the development would not endanger public safety by reason of traffic hazard or obstruction of road users. The Commission is satisfied that the development can be adequately served by public water supply and foul drainage, subject to a connection agreement with Uisce Éireann. Surface water can be attenuated and treated on site. The absence of a bat survey at application stage does not warrant refusal; a pre commencement survey and any necessary mitigation can adequately address the issue. The Commission has completed appropriate assessment screening and is satisfied that the development, individually or in combination with other plans or projects, would not have a likely significant effect on any European site. The Commission is also satisfied that, subject to the drainage and construction conditions below, the development would not prejudice the achievement of good water status. The Commission considers that, subject to compliance with the conditions

below, the proposed development would be in accordance with the proper planning and sustainable development in the area.

Conditions

1. 1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the drawings and information submitted on appeal, and subject to the omission of dwelling house number 7, except as may otherwise be required 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: To ensure that the development is carried out in accordance with the proposals considered by the Commission and to secure an acceptable standard of development.

2. Prior to commencement of development, revised drawings shall be submitted to, and agreed in writing with, the planning authority, showing the omission of dwelling house number 7 and any consequential amendments to the layout, open space, landscaping, parking, footpaths, boundary treatments and drainage. The revised layout shall demonstrate improved separation distances between the proposed dwellings, site boundaries and adjoining residential properties.

   Reason: To improve separation distances, protect the residential amenities of adjoining properties and secure a satisfactory standard of amenity for future occupants in this confined site.

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3. Prior to commencement of development, a Road Safety Audit of the proposed access from Coole Haven, the internal road layout, pedestrian and cyclist facilities, visibility arrangements, and any modifications to the existing road and parking layout within Coole Haven shall be submitted to, and agreed in writing with, the planning authority. The audit shall be carried out by an appropriately qualified independent road safety auditor and shall assess vehicular, pedestrian and cyclist safety, including the relationship between the proposed access and existing car parking spaces. Any remedial measures identified in the audit shall be implemented in full prior to the occupation of any dwelling.

Reason: To ensure that the proposed access, circulation arrangements and modifications to the existing road and parking layout do not create a traffic hazard or endanger the safety of road users, including pedestrians, cyclists and other vulnerable road users.

4. Prior to commencement of development, written confirmation shall be submitted to the planning authority that all necessary legal interests, consents, easements and agreements have been obtained for the proposed access, boundary opening, services connections and any works outside the red line boundary.

Reason: To ensure that the applicant has the necessary legal entitlement to carry out the access and infrastructure works on which the development depends.

5. Prior to commencement of development, a construction management plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall address construction traffic, deliveries, parking, wheel washing, dust, noise, storage of materials, protection of existing trees and boundaries, and measures to protect pedestrians and existing residents during construction.

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Reason: To protect the amenities of adjoining residents, ensure safe construction operations and prevent environmental nuisance during the construction phase.

6. Prior to commencement of development, a site-specific bat survey of the existing structure proposed for demolition shall be carried out by a suitably qualified ecologist at the appropriate time of year. The survey report and any proposed mitigation measures shall be submitted to, and agreed in writing with, the planning authority. Where bats or bat roosts are identified, no demolition works shall commence until all necessary mitigation, protective measures and derogation licences have been obtained and implemented.

Reason: To ensure that the proposed demolition works do not adversely affect bats or bat habitats and to comply with national and European nature conservation requirements.

7. Proposals for an estate/street name, house 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 house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the 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.

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8. Site development and construction works, including deliveries, shall be carried out only between 0800 and 1800 hours Monday to Friday, and between 0800 and 1300 hours on Saturdays, with no works on Sundays or public holidays, except with the prior written agreement of the planning authority.

Reason: To protect the residential amenities of adjoining properties from excessive noise and disturbance during construction.

9. Prior to the occupation of any dwelling, the developer shall provide bin storage and collection arrangements in accordance with a waste management plan agreed in writing with the planning authority. The arrangements shall facilitate the separate collection of general waste, recyclable waste and organic waste, and shall not obstruct pedestrian or vehicular movement.

Reason: To ensure the proper management of household waste and to protect residential amenity.

10. All materials, finishes, colours and boundary treatments shall be as shown on the approved plans and particulars, unless otherwise agreed in writing with the planning authority.

Reason: To ensure a satisfactory standard of design and integration with the adjoining residential area.

11. Prior to the occupation of any dwelling, all boundary treatments shall be completed in accordance with the approved plans and particulars, and to the satisfaction of the planning authority.

Reason: To ensure a satisfactory standard of residential amenity and visual integration with the adjoining estate.

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12. Surface water shall be attenuated and treated on site in accordance with a detailed drainage design agreed in writing with the planning authority prior to commencement of development. No surface water shall be discharged to the public foul sewer. The drainage system shall include appropriate silt and hydrocarbon interception and shall be maintained thereafter.

Reason: To prevent increased flood risk, protect water quality and ensure the sustainable management of surface water in an area of high groundwater vulnerability.

13. The applicant shall enter into a connection agreement with Uisce Éireann prior to commencement of development and shall comply with all requirements of that agreement. No dwelling shall be occupied until connections to the public water supply and foul sewer have been completed in accordance with that agreement.

Reason: To ensure that the development is adequately served by water supply and wastewater infrastructure and does not prejudicially affect existing infrastructure.

14. The open space, landscaping, boundary treatments, footpaths, home zone areas and public realm works shall be carried out in accordance with the revised landscape plan agreed under condition 3, and to the satisfaction of the planning authority, prior to the occupation of any dwelling.

Reason: To ensure a satisfactory standard of residential amenity, integration with the adjoining estate and a high-quality public realm.

15. All existing trees, hedgerows and boundary features identified for retention shall be protected during construction in accordance with a tree and hedgerow protection plan agreed in writing with the planning authority prior to commencement of development.

Reason: To protect existing landscape and biodiversity features and to maintain the visual amenity and screening value of the site boundaries.

16. Public lighting shall be provided in accordance with a detailed public lighting plan agreed in writing with the planning authority prior to commencement of development. The lighting shall avoid light spill and glare affecting adjoining residential properties and shall minimise impacts on bats and other wildlife.

Reason: To ensure safe movement within the development while protecting residential amenity and biodiversity.

17. No dwelling shall be occupied until the estate road, footpaths, parking, drainage, public lighting, landscaping and open space areas serving that dwelling have been completed to the satisfaction of the planning authority.

Reason: To ensure that the development is completed to an acceptable standard before occupation and that future residents are provided with adequate services and amenities.

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18. The developer shall comply with the requirements of Part V of the Planning and Development Act 2000, as amended, in respect of the provision of social and affordable housing. Prior to commencement of development, the applicant shall submit written confirmation from the housing authority of compliance with the Part V requirements applicable to the development, including the agreement or other arrangement required under Part V.

Reason: To secure the provision of social and affordable housing in accordance with Part V of the Planning and Development Act 2000, as amended, and the housing strategy of the planning authority.

19. (a) 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit or duplex for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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.

20. 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.

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21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the development, in accordance with the terms of the Galway County Council Development Contribution Scheme 2024–2029 (or any replacement scheme for the time being in force). The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed in writing with the planning authority. 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: To ensure that the development contributes towards the cost of public infrastructure and facilities, including roads, water services, drainage, public open space, community and other facilities, in accordance with the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

Patricia Calleary

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

Dated this 4th **day of** Nov **2026**