



An
Bord
Pleanála

Inspector's Report ABP-302111-18

Development	Construction of 5 houses
Location	Cosmona, Co Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18556
Applicant(s)	Aidan McGuinness
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	The Maltings Residents' Association
Observer(s)	None
Date of Site Inspection	2 nd October 2018
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located to the north-east corner of the existing car parking serving the Loughrea Shopping Centre. It is currently accessed through this car park via the Athenry Road. To the south and south-west of the site is The Maltings housing estate. There is currently a boundary wall between the appeal site and the cul-de-sac access road serving the housing estate. To the east is a narrow strip of wooded area, beyond which are the rear gardens of properties on Donnellan Drive. To the north of the site is residential housing, which is elevated relative to the appeal site. To the west is the car parking serving the shopping centre.
- 1.2. This undeveloped section of land is the subject of two other appeals before the Board: ABP-301208-18 and ABP-302212-18.

2.0 Proposed Development

- 2.1. Construction of 5 houses provided as follows: 4 no. 2.5 storey semi-detached houses (Type A) and 1 no. 2 storey detached house (Type B). Vehicular and pedestrian access will be via The Maltings residential development immediately south of the proposed site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- Proposed development is on a landlocked portion of land to the rear of the Maltings Estate – this estate has not been taken in charge and there is no management company in place – is a different owner from the subject site.
- Section of the site is located on lands outside the ownership of the applicant – namely the boundary wall separating the application site and The Maltings, and the landscaped strip of land immediately to the south of the existing boundary wall.
- Documentary evidence of easements permit the applicant to use the existing access road.
- Drainage report submitted indicates that there is more than adequate capacity with the existing services to cater for the proposed development.
- Proposed development is in accordance with the policies and objectives of the Loughrea Local Area Plan 2012.
- Recommendation was to grant permission.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

- #### 3.4.1. One submission was received from the Maltings Residents Association (submitted by Oliver Higgins Chartered Engineers on their behalf). The issues raised covered with the Grounds of Appeal.

4.0 Planning History

- #### 4.1. **ABP-301208-18:** First party appeal before the Board against the decision of the Planning Authority to refuse permission for the development of 2 no. 'drive-thru' restaurant / take-away units (476sq.m.). Unit 1 (138sq.m.) comprises a kitchen / serving area, waiting area and staff area. Unit 2 (302sq.m.) comprises kitchen,

serving area, waiting area, seating area, male and female toilets and staff welfare area. A 31sq.m. lobby area would serve both units. A two-lane drive-thru would include 2 no. order points and 2 no. collection points. The proposed development includes outdoor seating, signage and boundary treatments, all on a site of 0.13ha

- 4.2. **ABP 301212-18** – First party appeal before the Board against the decision of the Planning Authority to refuse permission - for development of forecourt with pump islands consisting of: 1) The construction of a solid fuel store/repository. 2)Construction of a forecourt with 4 no. pumps and canopy cover. 3)Installation of 3 no. underground fuel storage tanks with a total fuel storage capacity 100,000 litres, associated pipeworks and overground fill points. 4) Construction of 3 no. car parking spaces and an electric car charging point. 5) Installation of air and water dispensers for vehicles. 6) All ancillary signage, site works, boundary treatments, drainage systems and landscaping. Gross floor space of proposed works 32sqm.
- 4.3. Planning Authority Reg. Ref. **08/2505**: Planning permission granted for the construction of a retail / commercial development comprising two buildings, including a supermarket (unit 1), department store (unit 2).

5.0 Policy Context

5.1. Loughrea Local Area Plan (LAP) 2012-2018

- 5.1.1. The 2012-2018 plan was extended up to and including 24th July 2022. The subject site is located in an area zoned C2- commercial / mixed use. The objective for the zone is to “Promote the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation and which do not undermine the vitality and viability of the town centre”.
- 5.1.2. Within C2 zoned lands Residential is an ‘open for consideration’ use. Note 2 in the LAP states that a “A use that is classified as Open for Consideration is one that the local authority may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with permitted uses and conforms to the proper planning and sustainable development of the area, including the policies and objectives set out in the Plan.

5.2. Development Plan

The relevant plan is the Galway County Development Plan 2015 – 2021.

5.3. Natural Heritage Designations

- 5.3.1. None. Loughrea SAC and Loughrea SPA are located approximately 540m to the south of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The Third Party Grounds of Appeal are as follows:

General

- Maltings estate consists of 30 residential units.
- Has not been taken in charge, notwithstanding an application made in 2011/Roads and services therein are not finished to an acceptable standard/bond condition of the parent planning file 00/5059 must remain in force.
- Inadequate depth of water meters and shallow service piping led to freezing of pipes in 2009/2010.
- Foul sewers have been found to be inadequate.

Validation/Procedural Issues

- Portion of land relates to No. 26 The Maltings – No legal consent to include same has been given by the owners of No. 26/Have not given consent to the adjustment of the boundary wall.
- Yellow Right of Way delineated in the application documents is incorrect and is not accurately represented/does not include the turning area outside No. 26/extract from the Property Registration Authority Website showing same.
- Works for the connection of the sewers have not been included in the site outlined in red/water and sewer connections involve works to a private estate road.

- ABP is precluded from consideration application further due to these technical anomalies.

Services

- Existing foul sewers are deficient in terms of capacity and pipe size/discharge of additional 5 dwellings is negligent and should not be considered/satisfactory disposal of sewerage has not been demonstrated/difficulties will ultimately have to be paid for by the Residents Association/Condition No. 2 does not offer any solution to the defective sewer network.
- No proposals have been made in relation to SUDs/Existing surface water sewer is substandard and has issues with ponding and blockage of surface water sewers.
- The proposed roadway does not geometrically connect with existing road/will result in a substandard hazardous junction/traffic is directed to an area not under the ownership of the applicant.
- Footpath terminates abruptly within the proposed development/is on the incorrect side/no adequate crossing points are shown/grass area outside house type 'B' serves no purpose.
- Proposal will encourage reversing movements/danger to children.
- Impact of Construction Traffic – such traffic should not be allowed to traverse a residential estate. – Condition 11 permits construction traffic up 19:00 Monday to Friday – this is a wholly inappropriate timeframe/should be curtailed to 16:00 Monday to Fri and not at all on the weekends/bank holidays.

6.2. Applicant Response

6.2.1. A response has been received from the applicants and is summarised as follows:

General

- Conforms with National and Regional Planning Policies and Guidelines including the National Planning Framework, Regional Planning Guidelines for the West Region 2010 – 2022
- Complies with Development Plan and the Loughrea Local Area Plan 2012-2022.

Legal Issues/Consent

- Maltings Housing Estate was not constructed in accordance with the relevant planning permission – significant discrepancies in relation to the northern site boundary.
- The boundary wall of the Maltings is located 2-3m north of where it should be and is constructed on the applicant's lands.
- Land registry mapping is incorrect – based on layout partially located on lands which the developer of the Maltings did not own.
- Conclude that the spur of land associated with Folio No. GY97823F (26 The Maltings) is in fact owned by the applicant and therefore he does not require legal consent from the owner of No. 26 The Maltings.

Right of Way

- Contracts of sale for properties in The Maltings informed purchasers that the property was subject to a Right of Way and Grant of Wayleave in favour of Micheal H Burke over the roads in the estate.
- The fact that an additional area of road was constructed, in the form of the turning head referred to in the grounds of appeal, does not preclude this area of road from the binding terms of the rights of way.
- Furthermore this turning head does not have the benefit of planning permission and is partially located on the applicant's lands.
- Wayleave referred to above was subsequently assigned to the applicant.

Site Services/Infrastructure Capacity

- Wayleave permits the applicant to utilise the existing services beneath the public road.
- Laying of drainage infrastructure associated with the proposed development is exempted development under Schedule 2 Part 1 Class 48 of the Planning and Development Regulations 2001 – does not require to be included in the subject planning application or associated red line boundary.

- No evidence provided in respect of the alleged deficiency in the drainage infrastructure/only anecdotal commentary
- Report on the existing drainage infrastructure has been submitted with the application – submitted as Appendix 5/Concludes that there is sufficient foul and storm water infrastructure.

Road Geometry/Footpaths

- Submitted Traffic and Transport Report (included in Appendix 6) concludes that the proposed development will have a negligible impact on traffic flows on the R446.
- Also concluded that the proposed connection to the existing Maltings Estate Road would allow for adequate visibility for all vehicles travelling both to and from the proposed development, and in and out of existing driveways.
- A connection to the footpath on the western side was ruled out due to previous objections/However applicant is willing to liaise with the residents association to facilitate this link/Area of land required to facilitate this link is in the ownership of the applicant.

Zoning/Principle of Development

- While the central thrust of Objective LU 2 – Commercial and Mixed Use (C2) relates to commercial development, regard must also be had to Objective LU13 – Land Use Zoning Matrix.
- This states that residential land uses are open for consideration – residential is in keeping with the provisions of the Loughrea LAP by virtue of the land use zoning of the application site and the relevant policies and objections contained with the LAP in relation to residential development.
- Proposal makes appropriate use for the currently vacant infill site/complements existing residential schemes in the vicinity.
- Is in keeping with the character of the area.
- Residential amenity will be protected.
- Planner's report considered that the principle of the proposed development was acceptable at this location.

Construction Traffic

- Scale of development is small and the construction period will be brief/Condition 11 sets out appropriate construction periods/construction will have full regard to health and safety/area where children are playing is in effect a public road.

(Includes 6 No. appendices).

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. A further response has been received from the appellants (The Maltings Residents Association). This is summarised as follows:

Zoning

- C2 Commercial/Mixed Use Zoning is to encourage mixed use developments/ensures that residential uses, with commercial developments, will prevent the creation of large empty commercial areas at night and discourage anti-social behaviour.

Legal Consent/Right of Way

- Unvouched maps/aerial photography utilised to support applicant's claims in relation to boundaries/cannot be legally relied upon/The approach of the applicant in determining boundaries is incorrect/the physical boundaries on the ground remain unchanged in terms of location and substantially represent the boundaries of the original instrument/Construction of Malting's Estate is substantially compliant with the parent permission.
- Physical boundaries are what was purchased by each owner/conveyed to them by the original developer/dispute over the boundaries is a civil matter which should have been resolved prior to making a planning application.

- Not permissible to adjust the boundaries of the planning application.
- Application is premature until the boundary claim has been resolved (or abandoned)/ABP are precluded from considering this planning application any further.
- Right of Way does not include the turning area/the only definition is on the PRA map extract.
- Traffic and Transport Statements shows road markings that are outside the planning boundary and never advertised/alter the access and egress of adjoin properties on the Maltings Estate/render the existing turning area inoperable.
- Visibility splays overlook private property (No. 26). This property may place screen planting within their boundary which will negate claims made in the traffic report.
- Autotrack analysis traverses the private driveway of proposed unit No. 2/Analysis should be discounted.
- Guidelines on sustainable residential development note that cul-de-sac areas provide safe and relatively traffic free areas/also encourage home zones in such areas.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Legal Consents/Land Ownership/Procedural Issues
- Connection to Services
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located in an area zoned for mixed use commercial development (C2). According to the Loughrea LAP which has been extended to 2022, the development objective for C2 lands is to promote the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods / areas and opportunities for commercial enterprises which do not undermine the vitality and viability of the town centre.
- 7.2.2. Residential use is open for consideration under the C2 zoning. Open for consideration uses will be permitted where the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with permitted uses and conforms to the proper planning and sustainable development of the area, including the policies and objectives set out in the Plan.
- 7.2.3. The planning authority consider that residential was appropriate for the site. The appellants contend that the proposed use would not be compatible with the mixed-use zoning.
- 7.2.4. In my view the residential use would not undermine the further development of the site for mixed use development, and is a natural extension to the existing residential uses to the south. As such the principle of residential use on this site is acceptable, subject to the detailed considerations below.
- 7.2.5. The planning permission for the Loughrea shopping centre (reg. ref. 08/2505) proposed a second building on that part of the site that forms the subject appeal site. Should the Board be of the mind to grant permission, they may wish to seek further information on this matter– particularly with regard to the use of the permitted car park. However I do note that it has not been raised as an issue by the planning authority nor has it been raised as an issue by the appellant's.

7.3. Legal Consents/Land Ownership/Procedural Issues

- 7.3.1. The appellant's state that a portion of land included in the application site is owned by the occupier of No. 26 The Maltings and that no legal consent to include same has been given by the owners of No. 26. It is further stated that the right of way delineated in the application documents is incorrect and is not accurately represented and that this right of way does not include the turning area outside No.

26. An extract from the Property Registration Authority Website showing same is included with the appeal submission.

7.3.2. The applicant's state that The Maltings Housing Estate was not completed in accordance with the parent permission and that the spur of land associated with Folio No. GY97823F (26 The Maltings) is in fact owned by the applicant.

7.3.1. In relation to land ownership issues, it is not within the remit of the Board to adjudicate on land title/ownership issues and this is a matter for the Courts. However I do note the provisions of section 34(13) of the Planning and Development Act 2000, as amended, which state that a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, should the Board be minded to grant permission, the developers must be certain under civil law that they have all necessary rights in the land to execute the grant of permission.

7.3.2. In relation to Enforcement Matters, such as the assertion that the Maltings Estate was not constructed in accordance with its permission, the Board does not have a role in these matters and Enforcement of Planning Control is matter for the local authority.

7.4. Traffic/Road Safety

7.4.1. The proposal seeks to link the development to the existing road serving the Maltings Housing Estate and it is stated by the applicants that there is a right of way to do so.

7.4.2. The appellant's state that the Traffic and Transport Statements shows road markings that are outside the planning boundary and render the existing turning area inoperable. It is further stated that visibility splays overlook private property (No. 26). This property may place screen planting within their boundary which will negate claims made in the traffic report. Furthermore it is stated that the Autotrack analysis traverses the private driveway of proposed unit No. 2. It is further contended that the proposed roadway will result in a hazardous junction and the proposal will encourage reversing movements. Concern is raised too in relation to the impact of construction traffic and the impact of works.

7.4.3. The applicants have submitted a Traffic and Transport Statement at application stage and this is included with the appeal submission, and I have had regard to same. The applicants note that Transport Report concludes that the proposed development will have a negligible impact on traffic flows on the R446. It is also

concluded that the proposed connection to the existing Maltings Estate Road would allow for adequate visibility for all vehicles travelling both to and from the proposed development, and in and out of existing driveways.

- 7.4.4. In relation to a connection to the footpath on the western side this was previously ruled out due to previous objections (I am assuming the applicant is, in fact, referring to a footpath on the eastern side, as a footpath is being provided on the western side). However applicant is willing to liaise with the residents association to facilitate this link.
- 7.4.5. I do not consider that the additional 5 houses will generate significant traffic flows. The transport reports states that the proposal will result in an additional 5 two-way trips during the AM peak hour and this would appear to be a reasonable conclusion. In terms of visibility splays within the estate, the required visibility splays of 2.0m x 23m are achieved, allowing vehicles exiting existing driveways to see traffic coming in either direction. I note the appellant's have stated that the visibility splay can be obscured by planting. However, I am satisfied that even if planting were in place within the lands controlled by No. 26, the low levels of traffic generated, combined with the 30km/hr speed limit would reduce the risk of an accident significantly.
- 7.4.6. The appellant's point out that the currently cul-de-sac allows children to play in this area. The applicant notes that it is, in effect, a public road. In my view, while a cul-de-sac currently exists, from the evidence on file, there appears to have been an intention to connect this road to adjoining development at some future date, and again from the evidence on file, prospective purchasers of the houses would have been informed of same.
- 7.4.7. In relation to the footpaths, there is sufficient connectivity to existing footpath to ensure that no traffic hazard or road safety issues arise.
- 7.4.8. In conclusion I do not consider the proposal would result in a traffic hazard or generate road safety issues.

7.5. Foul Water/Surface Water Capacity

- 7.5.1. The appellant's contend that the existing foul sewers are deficient and that satisfactory disposal of sewerage has not been demonstrated. It is further stated that no proposals have been made in relation to SUDs and that the existing surface water

sewer is substandard and there have been previous issues with ponding and blockage of surface water sewers.

- 7.5.2. The applicant's state that the wayleave permits the applicant to utilise the existing services beneath the public road and that no evidence has been provided in respect of the alleged deficiency in the drainage infrastructure. Furthermore, it is highlighted that a report on the existing drainage infrastructure was submitted with the application (and is included with the appeal submission) which concludes that there is sufficient foul and storm water infrastructure.
- 7.5.3. I note the submitted report/letter from S Hanniffy and Associates Consulting Engineers (dated 25th March 2018) which considers water supply/foul sewer/storm water issues.
- 7.5.4. In relation to foul water, it is proposed to discharge the foul effluent to an existing foul sewer manhole located to the north of the existing 'Maltings' residential development, with all waste discharging by gravity to this manhole. The proposed foul water generated by the proposal, and the capacity of the existing foul sewer network in the Maltings estate is considered within the report. It is concluded that the existing foul sewer network can cater for a discharge of 40l/s. The discharge generated by the existing housing estate and the proposed additional 5 houses is calculated at 2.625l/s. As such it is concluded that there is sufficient capacity to accommodate the development.
- 7.5.5. In relation to storm water, it is stated within the report that all surface water generated will discharge via gravity through a storm water attenuation tank to an existing stormwater manhole in the Maltings residential estate. The capacity calculations state the existing capacity of the storm water network is 40l/s and with the proposed development in place, the maximum storm water discharge is 37.2 l/s. As such sufficient capacity has been demonstrated.
- 7.5.6. In relation to flooding, according to information on floodinfo.ie¹ the site is not located within an area at risk of river or pluvial flooding, in the absence of any evidence to the contrary, is considered appropriate for residential development.
- 7.5.7. While I am cognisant of the issues raised by the appellant's in relation to infrastructure capacity, in the absence of opposing evidence of substandard

¹ Accessed 30th November 2018

infrastructure, and having regard to the conclusions contained with the applicant's report, and the lack of an objection from the planning authority I am satisfied the existing infrastructure is sufficient to accommodate the proposed additional 5 dwelling houses, subject to compliance with the conditions below.

7.5.8. In relation to taking-in-charge issues, this is a matter for the planning authority and I cannot comment on same.

7.6. **Other Issues**

7.6.1. Design – I note no concerns with the design of the proposed dwellings have been raised by the local authority nor by the appellants. I consider the appearance of the dwellings is appropriate and is in keeping with the appearance of surrounding development.

7.6.2. Development Standards – The proposal complies with minimum standards having regard to overall floor areas and rooms sizes and provides sufficient private and public open space to serve the development and surrounding residential units. The Development Plan notes that on brownfield sites such as this one, a minimum of 10% public open space is required, which is exceeded in this instance, with a total of 323 sq. m. being provided, equating to 14% of the site area.

7.7. **Appropriate Assessment**

7.7.1. The subject site is located 0.5km to the north of the **Lough Rea SAC (site code 000304)** and **Lough Rea SPA (site code 004134)**.

7.7.2. Lough Rea is a hard water lake situated directly south of the town of Loughrea, Co. Galway. The lake is 2.5 km at its longest axis. The underlying geology of the area is of Carboniferous limestone and water transparency is very high. The lake, which is fed by springs and by a stream, reaches a maximum depth of 15 m. the qualifying interest for the SAC is [3140] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp, otherwise described as 'Hard Water Lakes'. The conservation objective for this qualifying interest is to maintain or restore the favourable conservation condition of the hard water lake. Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are stable or increasing, and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable. The site is

largely surrounded by intensively farmed pasture and consequently the main threat to the lake comes from agricultural run-off. The lake is also vulnerable to nutrient input from the town of Loughrea.

- 7.7.3. The qualifying interests for Lough Rea SPA are A056 Shoveler *Anas clypeata* and A 125 Coot *Fulica atra*. The conservation objective for the site is to maintain or restore the favourable conservation condition of the two bird species.
- 7.7.4. The application is accompanied by an Appropriate Assessment Screening Report. Section 2.2.2 provides details of best practice control measures incorporated into the project design which will limit the potential for impact during the construction phase. The screening report concludes that the proposal will not have significant effects on any European Site.
- 7.7.5. Having regard to the qualifying interest of Lough Rea SAC (hard water lakes), and having regard to the qualifying interest for Lough Rea SPA (Shoveler and Coot) I am satisfied that the proposal is served by adequate infrastructure capacity as to ensure that there will not be any contaminated foul or surface water entering Lough Rea, having regard to the source-pathway-receptor principle. Furthermore the site does not provide habitat or foraging area for the species above, given it is mostly hard-surfaced.
- 7.7.6. Therefore, having regard to the nature and scale of the proposed development, the construction of a five dwellings, within a serviced area, and having regard to the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

7.8. Environmental Impact Assessment Screening

- 7.8.1. Having regard to the nature and scale of the proposed development, the construction of five dwellings, within a serviced area, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

Having regard to the provisions of the Galway County Development Plan 2015-2021, and the provisions of the Loughrea Local Area Plan 2012-2018, and having regard to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would be acceptable in terms of traffic safety and convenience, would be adequately served by existing infrastructure, would not seriously injure the amenities of the area or of property in the vicinity and would not have an adverse impact on the visual amenity or character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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

Reason: In the interest of clarity.

2. The public lighting, roads, footpaths, sewers, watermains and open spaces shall be constructed in accordance with the requirements outlined in Galway County Council's Taking in Charge of Developments (September 2008) or any amended version of this document.

Reason: In the interest of proper planning and sustainable development of

the area.

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of design.

4. Public lighting shall be provided in accordance with a scheme, details and design of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and public safety.

5. (a) Only clean contaminated storm water shall discharge to any soakaway system.
(b) All other surface waters shall be disposed of in accordance with the proposals received by the planning authority on 2nd May 2018.
(c) The development shall not impair existing land or road drainage.

Reason: In the interest of proper and orderly planning for the area.

6. Proposals for a 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.

Reason: In the interest of urban legibility.

7. Water supply arrangements shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

8. 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 interests of visual and residential amenity.

9. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. 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.

10. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of as intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of orderly development.

11. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the surrounding area.

13. 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 satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and maintenance 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 Bord Pleanála for agreement.

Reason: To ensure the satisfactory completion of the development.

14. 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.

Rónán O'Connor
Planning Inspector

30th November 2018

