



An
Bord
Pleanála

Inspector's Report ABP-317101-23

Development	Permission to construct four dwelling houses, domestic garages, new gated vehicular and pedestrian access from the Danesfort Road, landscaping, car parking and all associated site services.
Location	Caherwalter, Loughrea, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	23/60223
Applicant(s)	Leanne O Rourke
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party(s) V. Grant
Appellant	Darren Duignan and Others
Observer(s)	None
Date of Site Inspection	14 th February 2024
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1 The appeal site is located within the urban area of Loughrea, a settlement located approximately forty kilometres south-east of Galway city. The appeal site is located to the north-east of the town and accessed from the Danesfort Road, a link road between the town centre and the N65, a national secondary route that acts as a by-pass for the town. The N65 is the main route linking Loughrea with Portumna. The appeal site is located within the 50 kilometre per hour (km/h) speed control zone.
- 1.2 The appeal site comprises an area of 0.12 hectares and is located approximately eight hundred metres north-east of the centre of the town. The appeal site is an infill one surrounded on three sides by dwellings and the public roadway on the other side, The site is a greenfield one which has some disturbed ground within it. Levels within the site slope downwards from east to west towards the public road.
- 1.3 There are a number of residential developments in its vicinity, Droim na Cille to its north, Ard Breeda to its east, all comprising two-storey detached and semi-detached dwellings, a single storey dwelling on a generous plot size to its south and the Danesfort Road to its west. Access to the site is via a gated entrance on the southern side of its road frontage. The appeal site is bound by a stone wall boundary along its roadside (western) boundary, a two-metre block wall along its rear (eastern) boundary, a block wall and planting along its northern boundary and a mixture of shrubbery, leylandii trees and post and wire fencing along the southern site boundary.

2.0 Proposed Development

- 2.1 The development would comprise the following:

Permission to construct four number 4 bedroomed dwelling houses over basement domestic garages, new gated vehicular and pedestrian access from the Danesfort Road, landscaping, car parking and all associated site services. The gross floor area of the works would comprise a stated total of 704 square metres.

- 2.2 The three-storey dwellings over basement garages would have a maximum ridge height of approximately 11.4 metres with a mansard style roof and a habitable floor area of 150 square metres (sq. m.) for each dwelling spread over three floors. The attic space would be used as habitable accommodation. The habitable accommodation would be constructed over a basement garage comprising an additional 23 sq. m. External wall finishes would comprise a mix of render and brick cladding and a tiled roof, consistent with the finishes of the adjoining residential properties.
- 2.3 The design and layout would continue the established built form pattern in the area and would be consistent with the building line of the dwelling located south of the appeal site.
- 2.4 Access is proposed from a new pedestrian and vehicular entrance off the Danesfort Road. The western (roadside) boundary of the site presently protrudes onto the Danesfort Road, to such an extent that it presently impedes footpath connectivity along the eastern side of the public road. The footpath reaches a dead-end outside of the Droim na Cille residential development along this section of the Danesfort Road. Two on-site car parking spaces for each of the residential units would be provided within the appeal site curtilage as well as ten covered bicycle parking spaces.
- 2.5 The Planning Authority screened the development for Appropriate Assessment and concluded that the proposed development, by itself or in combination with other plans and projects, would not have a significant effect on a European site(s), their qualifying interests or conservation objectives. The issue of Appropriate Assessment will be addressed in greater detail later as part of my assessment.
- 2.6 The Planning Authority set out that the appeal site is not located within an area subject to flood risk and that no incidence of historical flooding within the appeal site or its vicinity is recorded within its GIS data.
- 2.6 The Planning Authority screened the development for Environmental Impact Assessment and concluded that the nature of the modest residential development, by itself or in combination with other plans and projects, would not be likely to have a significant effect on the environment. Therefore, the need for Environmental Impact

Assessment (EIA) can be excluded at preliminary examination and a screening determination is not required.

- 2.7 The planning application was accompanied by a Design Statement providing a planning and design rationale for the development.
- 2.8 A letter of consent from the landowner Ann Donoghue consenting to the making of a planning application on her lands has been included as part of the planning documentation.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority granted planning permission for the development subject to seventeen planning conditions. The pertinent planning conditions are referenced below:

Condition number 2: External finishes.

Condition number 4: Water and wastewater agreements with Irish Water.

Condition number 10: House naming and numbering.

Condition number 11: Management Company to be established.

Condition number 13: Hours of construction.

Condition number 16: Cash deposit.

Condition number 17: Development Contributions.

3.2 Planning Authority Reports

The Planner's Report dated the 2nd day of May 2023 set out the following:

- Loughrea is identified as a self-sustaining town within the current Galway County Development Plan (GCDP) 2022-2028.
- The Core Strategy sets out a housing target of 1,400 units for Loughrea for the plan period, with 242 of these units to be provided within Infill/brownfield sites.
- The appeal site is considered to be an infill site in proximity to the town centre.
- The density proposed at 33 units per hectare is considered acceptable given the location of the site within an infill urban location.
- The private garden spaces accord with the standards as set out within the Development Plan.
- Water and wastewater connections to the Irish Water (IW) network are proposed, and pre-connection agreements in principle from IW have been submitted.
- Surface water on site will drain to the public surface water network and a large on-site attenuation tank and petrol interceptor will be installed on site.
- Sightlines at the entrance point accord with DMURS standards.
- Car and bicycle parking in accordance with Development Plan standards is provided.
- The design of the dwellings is considered acceptable given the significant variation in ground levels within the site and would not have an overbearing or adverse impact upon the local built environment nor neighbouring residential amenities.
- There are no recorded monuments nor protected structures within the appeal site nor within its vicinity.
- The proposals would not adversely impact the visual or residential amenities of the area, would not be prejudicial to public health, would not adversely impact upon any European sites and would accord with the proper planning and sustainable development of the area.

3.3 Technical Reports.

None received.

3.4 Prescribed Bodies

No comments sought.

3.5 Third Party Observations

Three received. The issues raised within the observations are largely the same as those set out within the third-party appeal submission. The key issues raised relate to the following:

- Excavation of the appeal site would cause disturbance and/or structural damage to neighbouring properties.
- Overlooking of neighbouring dwellings and their rear garden spaces would arise from the second and third floor rear bedroom spaces within the proposed development.
- Adverse air quality and increased noise would arise during the construction works.
- Danesfort Road is already a busy and dangerous route, and an additional entrance would exacerbate this situation.
- The design and layout is not in keeping with the character of the area.
- The dwellings would not be wheelchair or buggy accessible.
- Development would adversely impact neighbours' privacy, block sunlight and views from neighbouring properties.
- The development would represent an overdevelopment of the site and not be consistent with existing adjacent development.
- No information has been provided regarding the rear boundary treatment.

4.0 Planning History

The following is considered to be the relevant planning history pertaining to the appeal site:

Planning reference number 08/771, in 2008 Planning permission was granted by Galway County Council for the demolition of the existing dwelling and the construction of three pairs of semi-detached dwellings, associated services and roadways. This permission pertained to the appeal site and the site comprising the single storey dwelling immediately south of the current appeal site.

Planning reference number 06/4656, in 2006 Planning permission was granted by Galway County Council for the demolition of the existing dwelling and the construction of two pairs of semi-detached dwellings and one block of three terraced dwellings, associated services and roadways. This permission pertained to the appeal site and the site comprising the single storey dwelling immediately south of the current appeal site.

5.0 Policy Context

5.1 Draft Loughrea Local Area Plan 2024-2030

The Loughrea Local Area Plan (LAP) 2012-2022 has expired. A Draft Loughrea LAP 2024-2030 has been prepared and material amendments came off public display on the 13th day of May 2024. The Chief Executive's report is presently being prepared on the submissions received during the public consultation period. It is anticipated that the LAP will be made and will come into effect in September 2024.

5.2 Galway County Development Plan 2022-2028

The Development Plan was adopted by the elected members on the 9th May and came into effect on the 20th day of June 2022.

The sections that are relevant to the current appeal include:

Section 2 of the Plan relates to Core and Settlement Strategies for the county. The Plan places Loughrea within Tier 4 of the Settlement Strategy-Self-sustaining towns. The Core Strategy sets out that the population of the town was recorded at 5,556 in 2016 and within, the town is expected to attract an additional population of 1,400 persons up to 2028 and 806 residential units would be required to meet the population increase. 242 of these units are expected to be provided on brownfield/infill sites.

Section 2.4.8 sets out the growth strategy for the two self-sustaining towns, including Loughrea as: The growth strategy for both Gort and Loughrea is to consolidate their designation as Self -Sustaining Town's and continue to support expansion of their employment base. In addition, residential development will be facilitated that will support the sustainable growth of the towns.

Loughrea is also located with the Galway County Transport and Planning Strategy (GCTPS). Area (Map 2.1)

Section 2.3 provides that: Compact growth will be pursued to ensure sustainable growth and more compact urban and rural settlements, supported by jobs, houses, services and amenities rather than continued sprawl rather than unplanned economic growth.

Section 3 of the Plan pertains to Placemaking, Regeneration and Urban Living: To develop the urban and rural places to live, work and visit in a sustainable manner

based on the principle of placemaking, compact growth, high quality public realm where residential developments are connected to service and employment locations.

Section 3.2 sets out Strategic aims including: To reinforce the vitality and future of urban and rural settlements and recognise the role that they play in a wider social and economic context.

The relevant policy objectives include the following:

CGR 1 Compact Growth To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

Chapter 7 Infrastructure, utilities, and Environmental Protection

Chapter 12 Architectural, Archaeological and Cultural Heritage

Policy Objective NHB1: Natural Heritage and Biodiversity of Designated sites, habitats, and species

Policy Objective NHB 3: Protection of European Sites

Policy Objective NHB 5: Ecological Connectivity and corridors

Section 15-Development Management Standards

DM Standard 2: Multiple Housing Schemes (Urban Areas)

Private Open Space shall be designed for maximum privacy and oriented for maximum sunshine and shelter. In general, a minimum back-to-back distance between dwellings of 22 meters shall apply in order to protect privacy, sunlight and avoid undue overlooking.

Dwelling Mix: Provide housing with long term adaptability and potential for flexibility.

DM Standard 28 Sight Distances Required for Access onto National, Regional, Local and Private Road.

The exit visibility shall be measured a minimum distance of 2.4m from the edge of the carriageway ('x' distance) or as determined by Galway County Council. In limited instances this may be reduced to 2.4m and to 2.0m in difficult circumstances on urban roads.

The entry visibility check is where: A vehicle turning right into the proposed development shall have a forward visibility to the centre of the opposite lane for a distance of Y to ensure they can safely cross the path of an on-coming vehicle.

DM Standard 31: Parking Standards

2 spaces per residential units with four or more bedrooms.

5.3 National Guidance

5.3.1 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024

Section 3.3.3 specifically relates to small and large towns with a population of 5,000 or more persons. Planning Authorities need to offer an improved housing choice as an alternative, including serviced sites, to housing in the countryside. Planning Authorities will need to refine the density standards as set out in Table 3.5 to respond to local circumstances. The strategy for all key and large sized towns is to support consolidation within and close to the existing built-up footprint.

Table 3.6 sets out the following in terms of density ranges:

It is a policy and objective of these Guidelines that densities in the range of 30dph and 50dph (net) shall generally be applied at suburban and urban extension locations of key towns and large towns.

The key priority in these urban settlements is:

appropriate.

- Plan for an integrated and connected settlement overall, avoiding the displacement of development generated by economic drivers in the key town or large town to smaller towns and villages and rural areas in the hinterland.
- Strengthen town centres.
- Protect, restore, and enhance historic fabric, character, amenity, natural heritage, biodiversity, and environmental quality.
- Realise opportunities for adaption, reuse, and intensification of existing buildings and for backland, brownfield, and infill development, and
- Deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

Appendix D: Design -Key indicators of quality urban design and placemaking.

5.3.2 Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Design Manual for Urban Roads and Streets' (DMURS 2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (DoEH&LG 2009).
- 'Quality Housing for Sustainable Communities' Best Practice Guidelines (DoEHLG 2007).

- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009).

5.4 Natural Heritage Designations

The closest Natura 2000 sites are the Lough Rea Special Area of Conservation (site code 000304) and the Lough Rea Special Protection Area (site code 004134) which at their closest point are both located approximately 610 metres south-west of the appeal site boundary.

The closest Natural Heritage Area (NHA) is the Lough Rea proposed Natural Heritage Area (pNHA) (site code 000304) which at its closest point is located approximately 610 metres south-west of the appeal site boundary.

5.5 Environmental Impact Assessment (EIA)-Preliminary Assessment

Having regard to the nature and scale of the proposed development which is located within the designated self-sustaining settlement of Loughrea on fully serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal against the decision of the Planning Authority to grant planning permission has been prepared and submitted by a number of local residents who reside within numbers 57-62 inclusive of the Ard Breeda residential development located immediately east of the appeal site. The main issues raised within the appeal submission can be summarised as follows:

Overlooking:

- The dwellings to the east of the appeal site within Ard Breeda and their rear garden spaces would be overlooked by windows in rear facing bedrooms located at second and third floor levels of the proposed dwellings.
- The issue of overlooking was not addressed within the Planning Authority report nor included within the summary of observations included within the Planning Report.

Traffic and Road Safety:

- Permission was previously granted on this site and the adjoining site to the south for residential development whereby the access permitted was via an existing entrance to the existing bungalow to the south, resulting in no new entrance onto the Danesfort Road being created.
- Further information was sought in those applications on matters relating to road safety.
- The appellants raised the issue of road safety within their observations, yet this issue was not acknowledged by the Planning Authority nor addressed within the planning conditions.
- Danesfort Road is already a busy and dangerous route, and another four dwellings will exacerbate this situation.
- There are currently accesses to seven housing developments directly onto the Danesfort Road.
- The proposed entrance is located on a dangerous bend and poses a risk to road safety.

Character of the area:

- The development would not be in keeping with the established character of the area.
- The houses are four storey's high (including the basement garages).
- There are no road facing houses in the area similar to those proposed.
- All road facing houses in this area are either detached or semi-detached with ample private amenity spaces within their curtilage.

- The site would be better suited for the development of two storey semi-detached dwellings.

Structural Impact on neighbouring properties:

- The structural stability of neighbouring houses could be impacted by excavations within the appeal site.
- The issue of structural impact was not addressed within the Planning Authority report nor within the planning conditions.
- The removal of rock from the site may have a detrimental impact upon the foundations of neighbouring dwellings.

6.2 First Part response to the issues raised within the third-party appeal statement.

A first party response to the issues raised in the third-party appeal submission has been received. The main issues raised can be summarised as follows:

Overlooking:

- The development is informed by a Design Statement taking into consideration key urban design criteria.
- The development was designed with the topography of the site in mind and having regard to the sloping nature of the site, away from the Ard Breeda development.
- The surrounding properties, especially Ard Breeda are at a more elevated level than the appeal site.
- There is a 22-metre separation distance between the rear building line of the proposed dwellings and the rear building line of the Ard Breeda dwellings in accordance with Development Plan standards.
- The applicants have submitted details of levels of the development and the neighbouring Ard Breeda dwellings.
- The ridge level of the proposed dwellings will be approximately 1.8 metres below the ridge levels of the Ard Breeda dwellings. The finished floor levels of

the proposed dwellings are considerably below those of the Ard Breeda dwellings.

Traffic and Road Safety:

- The applicants engaged with the Roads Department within Galway County Council in advance of making their planning application and the observations from that meeting informed the entrance design and location.
- Vehicular access is proposed via a new entrance which will provide for the setting back of the front boundary wall along Danesfort Road, thus eliminating a pinch point on the road.

Character of the Area:

- The proposals aim to adhere to national planning guidance in relation to achieving sustainable densities on zoned serviced lands.
- The design approach has had regard to the surrounding residential context, the infill nature of the site and the sloping topography of the site.

Design and Layout:

- The design and layout is well proportioned and provides for supervised and useable communal open space.
- The design and layout incorporate sustainable development principles including an energy efficient design and the use of sustainable construction materials.
- The proposals will incorporate external finishes which are simple and will blend in with the surrounding built environment.
- The landscaping has been carefully planned so as to create a functional and attractive public open space.

Structural Impact on neighbouring properties:

- The development has been designed taking into account the varying site levels. The development will respect the site contours and minimise the need for significant excavation works within the site.

Other Matters

- The applicants strongly contest the issues raised by the appellants within their appeal submission.

6.3 **Planning Authority Response**

None received.

6.4 **Third Party Observations**

None received.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues can be addressed with under the following headings:

- Principle of Development
- Character of the Area
- Residential Amenity
- Access and Road Safety
- Appropriate Assessment.

7.1 **Principle of Development**

- 7.1.1 The subject site is located within the urban settlement of Loughrea as set out within the Galway County Development Plan 2022-2028. The Settlement Strategy within the Plan classifies Loughrea as a Tier 4-self-sustaining town. The objective for self-

sustaining settlements is: To develop the urban and rural places to live, work and visit in a sustainable manner.

7.1.2 The applicant is seeking to construct a terrace of four dwellings houses on a serviced infill site on the Danesfort Road to the north-east of the town centre. The appeal site immediately adjoins two established residential developments comprising a mix of two storey semi-detached and detached dwellings. The appeal site and the adjoining residential developments all had the benefit of a residential land use zoning objective as per the Loughrea Local Area Plan (2012-2022), which was the last land use plan prepared for the settlement. The appeal site has the benefit of an existing residential land use zoning objective as per the Draft Loughrea LAP 2024-2030. I am satisfied that Loughrea is identified as a self-sustaining settlement within the current Galway County Development Plan 2022-28 where residential growth is provided for (as per the Settlement and Housing strategies) and having regard to the existing established pattern of development in the vicinity of the site, that the principle of a modest residential development on an infill fully serviced site is consistent with the pattern of residential development in the area.

7.1.3 While the principle of residential development is acceptable on site, other matters relating to respecting neighbouring residential and visual amenities, design and layout, character of the area, structural impact of works and access will also have to be considered. These were matters raised by the appellants within their appeal submission to the planning decision. These will be addressed in greater detail within the assessment below.

7.2 Character of the Area

7.2.1 The character along the Danesfort Road is one of an established residential area. The ground levels in the area vary significantly, with levels being most elevated to the east of the appeal site and falling within the appeal site towards the Danesfort Road and levels drop further on the western side of the Danesfort Road. The building height in the area varies from single to two-storey, typical of the vintage of the dwellings, many of which were constructed a number of decades ago. The appellants set out that there are no dwellings similar to those proposed facing onto

the Danesfort Road. This is a statement of fact. However, I note that there are a multitude of house types facing onto the Danesfort Road, from single dwellings on generously sized individual plots to large detached and semi-detached two storey dwellings within residential developments.

7.2.2 However, I consider that the proposals would accord with the policies and objectives as set out within the Galway Development Plan, specifically Section 3.7.1 in relation to developing infill sites and this is further supported by policy objective UL1 where the objective is to: Encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development. I also consider that the proposals would be in accordance with the provisions of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, specifically Section 3.3.3 in relation to large towns of 5,000 population or greater. Among the key priorities set out for these large towns include the realisation of opportunities for infill development and to encourage sequential and sustainable development that can be integrated within the existing built-up footprint of the settlement.

7.2.3 Therefore, on balance, I consider that having regard to the urban, serviced and infill nature of the site, the provisions of the Settlement and Housing Strategies as set out within Chapter two of the Development Plan that the proposals would be appropriate having regard to the established residential character of the area.

7.3 Residential Amenity

7.3.1 The appellants raise the issue of the proposals adversely impacting upon their residential amenity by reason of overlooking of their dwellings and rear garden spaces particularly from the second and third floor bedroom spaces. A separation distance of 22 metres is proposed between the rear building line of the proposed dwellings and the rear building line of the Ard Breeda residential properties, which immediately adjoin the appeal site to the east (rear) and where the appellants reside. There are 1.8-metre-tall rear boundary walls proposed along the perimeter of the rear garden areas and a back-to-back separation distance from the appellants property at 22 metres at its nearest point and, therefore, would be in accordance with

DM standard 2 as set out within Section 15 of the Development Plan regarding the development of multiple housing schemes in urban areas.

- 7.3.2 The site levels of the Ard Breeda dwellings are considerably elevated above those of the appeal site. This is evident from the site section and street elevation drawings submitted by the applicants, drawing number 408 PL.104 entitled site section and street elevation, dated March 2023. This drawing demonstrates that the ridge lines of the proposed dwellings would be approximately 1.8 metres below the ridge line of the Ard Breeda dwellings. Therefore, having regard to the separation distances and the site level differences, I am satisfied that the residential amenity of the adjoining property owners, including those residents in Ard Breeda would not be adversely impacted by reason of overlooking.
- 7.3.3 Given the separation distances between the appeal site and the observers properties and the orientation of the appeal site, I do not consider that the development would have an adverse impact upon the residential amenities of the neighbouring properties to the south or west by reason of overshadowing and loss of light.
- 7.3.4 The applicants submitted a design statement in support of their design rationale. This statement references compliance with local and national planning policy in relation to utilising infill sites within serviced urban lands. They also reference twelve key urban design criteria which included variety, efficiency, distinctiveness, layout, adaptability, privacy and amenity and detailed design. I consider that the innovative design approach adopted by the applicant in this instance has afforded a high level of privacy and amenity to the future residents of the four dwellings and to the existing neighbouring residents.
- 7.3.5 Overall, it is considered that the development, by reason of its design, setbacks, and the change in topography within the site, where site levels fall significantly from west to east. would not seriously injure the residential amenities of property in the area. I am satisfied that the proposals would accord with the proper planning and sustainable development of the area.
- 7.3.6 In conclusion, I am satisfied that the applicants' proposals have been suitably planned designed having regard to its particular urban infill setting. I consider that the appeal site is greenfield and note its location immediately adjacent to established

residential developments. The applicants have submitted landscaping proposals for the appeal site which will assist in integrating the development within the Danesfort Road streetscape. I am satisfied that the proposals assimilate appropriately within the urban character of the area and the design and layout is appropriate in the context of the established pattern of development in the area and with the neighbouring residential developments.

7.4 Access & Car parking

- 7.4.1 The applicant is proposing to open a new site access on the northern side of the roadside frontage. The existing field gate entrance on the southern side of the roadside frontage would be closed. The access is located inside the 50 kilometre per hour speed control zone for the settlement of Loughrea. The new entrance would require the removal of an existing reflective road sign located at the very north-west of the appeal site which indicates the end of the public footpath along the eastern side of Danesfort Road and which would allow for the provision of the new site access. I am satisfied that there is adequate capacity within the local road infrastructure to cater for the additional traffic that would be generated by the four additional dwelling units.
- 7.4.2 This Site Plan submitted by the applicants as part of their planning documentation demonstrate sight distances of 48 metres in each direction from an x (set back) distance of 2.4 metres at the access point. As per Table 4.2 of the Design Manual for Urban Roads and Bridges Guidance, 2013 (as updated in 2023) sightlines of 45 metres are required for access points where the 50 km/h speed control zone applies, from a 2.4 metre set back from the edge of the carriageway. I am satisfied that adequate sightlines would be achievable in accordance with the DMURS standards and as illustrated within the Site Layout Plan.
- 7.4.3 The applicants have included eight car parking spaces to serve the dwellings. These would accord with DM Standard 56 as set out within the Development Plan which sets out that two car parking spaces are required per four bedroomed residential unit. Ten on site covered bicycle spaces are proposed to serve the development. Precise details of the bicycle shelter is a matter that can be addressed by means of an appropriate planning condition.

7.4.4 In conclusion, I am satisfied that the applicant has demonstrated adequate sight distances in accordance with national road traffic policy standards, specifically DMURS. Therefore, I consider that the proposals would not interfere with the free flow of traffic nor endanger public safety on the adjoining roadway.

7.5 **Appropriate Assessment**

7.5.1 The nearest Natura 2000 sites to the appeal site are the Lough Rea SAC (site code 000268) and the Lough Rea SPA (site code 004031) which are both located approximately 610 metres south-west of the appeal site boundary. The Planning Authority conducted an Appropriate Assessment screening and their screening determination set out that the development would not significantly impact any European sites, by reason of the separation distance between the appeal site and the European sites and the absence of hydrological and ecological connectivity between the source and receptors in this instance.

7.5.2 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 610 metres north-east of the nearest European sites, both referenced in Section 7.5.1 above. The development pertains to the development of four terraced dwellings, site access and all associated site services. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The modest small scale of the works proposed.
- The urban serviced nature of the site.
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- Taking into account screening determination prepared by the Planning Authority.

7.5.3 I conclude, that on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

8.0 Recommendation

I recommend that planning permission be granted.

9.0 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 two of the current Galway County Development Plan 2022-2028, and with the CGR1 policy objective in relation to Compact Growth and the development management standards in the Plan, it is considered that, subject to compliance with 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 and to the particular characteristics of the appeal site where the site levels fall considerably towards the Danesfort Road, and would integrate appropriately with the established built environment of the area, that the proposals would not increase the risk of flooding on site nor in the area and that no adverse impact upon European sites nor bird species would arise nor would the proposals 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.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 9th day of March 2023, 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 developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

- 3 (a) A landscape masterplan prepared by a suitably qualified professional shall be submitted for the written agreement of the planning authority within three months of this grant of planning permission. 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 the 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.

- 4 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 the commencement of development.

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

- 5 The construction of the 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 development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 6 a) Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

b) Connection to the water mains

c) All recommendations set out within the Flood Risk Assessment Report, included as Appendix 4 within the appeal submission submitted to the Board on the 17th day of October 2022 shall be implemented in full.

d) Two relief culverts with a minimum diameter of 300 millimetres shall be developed beneath the entrance driveway to the north-western section of the site shall be installed prior to the occupation of the dwelling. Precise and final details of the culverts shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of public health.

- 7 Prior to the commencement of development details of the following shall be submitted to, and agreed in writing with, the Planning Authority:

Precise details of the materials to be used within the bicycle parking shelter including provision of adequate illumination.

Reason: In the interest of proper planning and sustainable 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 and public holidays. Deviation from these times will 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 interests 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fergal Ó Bric

Planning Inspectorate