



**An
Bord
Pleanála**

**Board Direction
BD-010031-22
ABP-310684-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/02/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning objective for the area and the provisions of the Galway City Development Plan 2017-2023, the location of the site in the centre of Galway City and the pattern, character and nature of existing and permitted development in the area and the proximity to significant public transport facilities, it is considered that the proposed development, subject to compliance with conditions set out below, would constitute an appropriate development at this location, would not seriously injure the amenities of the area or of property in the vicinity, would not materially contravene the current development plan for the area and would be acceptable in terms of urban design and surrounding general amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the

information submitted on the 6th day of April 2021, and as amended by plans and particulars received by An Bord Pleanála on the 28th day of June 2021, 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 proposed development shall be amended as follows:
 - (a) The building shall be reduced in height by one floor which shall be an intermediate floor, with permission granted for a maximum of 6 (six) storeys. The setback restaurant floor shall remain as the top floor.
 - (b) The brise-soleil shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and the protection of the integrity of the Eyre Square Architectural Conservation Area and protected structures.

3. Prior to the commencement of development details of all external finishes to the proposed development including details of external landscaping arrangements at all levels, external lighting and public realm finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenities.

4. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposal. The construction materials and details shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interest of the visual amenities of the area.

5. No additional development shall take place above roof level including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

6. Full details of all external signage for the hotel and the bar/restaurant shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The external signage for the hotel which shall be for informational purposes only shall consist of individual lettering of an appropriate scale details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to restrict the extent of advertising signage in the area.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (or any statutory provisions amending or replacing them), no further advertisement signs (including signs installed to be visible through the windows), advertising structures, banners, canopies, flags

or other projecting elements other than those agreed in writing with the planning authority prior to the commencement of development shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and to allow the planning authority to assess any further signage or advertisements through the statutory planning process.

8. 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:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Friday inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. Prior to the commencement of development the developer shall submit to and agree in writing with the planning authority a plan containing details for the management of waste (and in particular recycle materials) within the development including the provision of facilities for the storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of the development. No raw materials, finished or unfinished product or parts, crates, packaging materials or waste shall be stacked or stored on the site at any time except within the curtilage of the building or storage areas as may have been improved beforehand in writing by the planning authority.

Reason: To provide an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment and in the interest of the amenity of the area.

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

Reason: In the interest of public health.

13. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

14. The applicant shall comply with the following conservation requirements.

- (a) The developer shall fully comply with the mitigation measures as set out in the Cultural Heritage Impact Assessment. Full details of each stage of the development shall be provided to the planning authority and agreed in writing by the Galway City Council Heritage Officer in advance of works commencing on site.
- (b) A conservation professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site, including the demolition and site clearance works, and to ensure adequate protection of the historic fabric during works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure or fabric.
- (c) Measures to ensure the protection of the protected structures north of the development during construction shall be submitted for the written agreement of the Galway City Council Heritage Officer in advance of works commencing on site.
- (d) Following the clearance of the site, the standing 17th century bastion wall to the north and northwest of the site, part of the town defences (SMR GA094-100001, RPS ref 391) shall be fully documented involving architectural documentation and surveying using photogrammetry.

Reason: To protect the character and integrity and setting of the adjacent national monument and protected structures.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. 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.

Board Member


Michelle Fagan

Date: 16/02/2022

Note: In not accepting the recommendation of the Inspector to omit 2 floors from the proposed development, the Board had regard to the maximum existing heights of the neighbouring properties along Ballalley Lane and the visual impact of the proposed development onto Eyre Square and considered that the removal of one intermediate floor would sufficiently reduce the visual impact of the proposed development onto Eyre Square.

