

An
Coimisiún
Pleanála

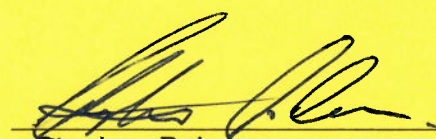
Direction
CD-020409-25
ABP-319670-24

The submissions on this file and the Inspector's report were considered at a meeting held on 01/08/2025.

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

Planning

Commissioner:


Stephen Bohan

Date: 05/08/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission considered the third party appeal and having regard to the zoning objective R (Residential) and the provisions of the Galway City Development Plan 2023-2029, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission also considered the first party appeal by the applicant against the planning authority's decision, specifically in respect of Condition 2(i) and Condition 6. The Commission had regard to the Inspector's Report and to the submissions on file, and decided as follows:

Condition 2(i):

The Commission concurred with the Inspector that no substantive reason arises to justify the omission of Level 3 from the permitted development on visual amenity grounds. The Commission was satisfied that the overall height, up to four storeys as read from street level, is not excessive, accords with the provisions of relevant national and local policy in respect of building heights, urban design and placemaking, and makes appropriate use of the natural site gradients. The Commission therefore determined that Condition 2(i) shall be omitted.

Condition 6:

The Commission further concurred with the Inspector that a pedestrian link, in principle, is both reasonable and desirable having regard to the objectives for improved connectivity and permeability within the area. The Commission considered that amendments to this condition are, however, warranted in order to ensure the safe and effective use of the link. In this regard, the Commission determined that Condition 6 should be retained, subject to modifications providing for; adequate lighting of the route; the preparation and implementation of a management and monitoring plan, and agreement between the developer and the planning authority regarding specific opening and closing times.

In deciding not to accept the applicant's appeal in its entirety, the Commission was satisfied that the decision, as amended, would 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 further plans and particulars received by the planning authority on the 26th day of February 2024 and by the Commission on the 8th day of May 2024, 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. Prior to the commencement of development, the developer shall submit revised drawings and floor plans for the consideration and written approval of the Planning Authority consisting of the following:
 - i. The projecting area of the lobby at street frontage on the proposed ground floor shall be recessed flush with the main hotel entrance doorway.
 - ii. The ESB substation and switch room shall be relocated internally within the building or inward on site and setback to a position not forward of the main entrance doorway to the proposed Hotel building as shown on drawing P-1-003.

Reason: In the interest of visual amenity and the protection of residential amenity.

3. The developer shall ensure public access via the proposed cycle/pedestrian route traversing the site is secured through the site, during the hours of 0600 and 2300 at as shown in site layout plan P-1-003. Exceptions to this requirement will only be permitted for periods of maintenance /other, but where this limited exception is agreed in advance with the Planning Authority. Such facilitation shall be incorporated into the Management Scheme required by condition 13 of this order.

Reason: In order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

4. Prior to commencement of development on site the applicant shall submit the following to be agreed with the Planning Authority:

- i. Details including boundary treatments, site levels and finishes of the proposed cycle/pedestrian route traversing the site from Bohermore to Forster Court Housing Estate as shown on Drawing P-1-003.
- ii. Details of a set-down area to the front of the building where vehicles can temporarily stop to allow passengers to alight or embark.
- iii. The proposed pedestrian/cycling route shall be designed universally for all end users in accordance with access for all standards and shall be agreed in writing with the Planning Authority prior to the development becoming operational on site.
- iv. The developer shall include proposals for the installation of a cycle ramp on the access steps to / from the Forster Court development to be agreed with the Planning Authority.
- v. The proposed cycle/pedestrian route traversing the site shall be limited to use by pedestrian and cyclist. Vehicular access is not permitted on this pedestrian route to gain access to adjoining lands.

Reason: In the interests of proper planning and sustainable development of the area.

5. Prior to commencement of development on site the applicant shall submit a revised cycle parking plan, including accessible cycle parking provision whereby all cycle stands are to be sheltered/covered and details agreed with the Planning Authority.

Reason: To order to ensure access, permeability and vibrancy in accordance with the Galway City Development Plan.

6. Prior to the commencement of any development works the developer shall submit to the Planning Authority a Construction and Excavation Management Plan, which shall include the following;

- i. Details of enabling works;
- ii. Traffic management measures for public roads for the duration of the construction works;
- iii. Details of contractor's compound and car parking facilities;
- iv. Management of deliveries;
- v. Measures to prevent the transfer of mud and debris onto the adjacent public roads including for wheel washing facilities;
- vi. Details of construction lighting.
- vii. Measures proposed to mitigate the impact of the construction activities (and associated activities including vehicle movements) on the amenities and activities in the vicinity.
- viii. This plan shall include all details of intended construction practice for the development, including hours of working, noise, dust, odour and vibration mitigation and management measures, and monitoring of such levels.

Reason: In the interest of the operational efficiency, amenity and safety of the road network.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

9. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

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

12. The landscaping scheme submitted with the planning application shall be carried out in full. 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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 visual amenity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, footpaths and communal areas, open spaces, landscaping, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the Planning Authority, prior to the occupation of the development.

Reason: To provide for the future maintenance of this development in the interest of the proper planning and sustainable development of the area.

14.

(a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP), shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport (where available), cycling and walking by employees/patrons of the development. The mobility strategy shall be prepared and implemented by the management company for the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. 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.

17. The developer is required to submit a detailed "management and operations plan" which outlines how it is intended to manage and operate the hotel accommodation. This shall include details of staffing, on-site management / security and servicing. This shall be submitted to and agreed in writing with the Planning Authority, prior to the occupation of the hotel building and such terms of management and operation shall be subsequently implemented in full.

Reason: In the interests of the protection of residential amenity and in the interest of the proper planning and sustainable development of the area.

19.

- (i) Details of the public lighting scheme within the development, including the specification of all lighting structures, shall be submitted and agreed in writing with Galway City Council prior to the commencement of the

development. The lighting shall be so designed so as to be low level lighting and to prevent overspill onto neighbouring properties.

- (ii) Details of the public lighting scheme to serve the pedestrian/cycling route within the development, including the specification of all lighting structures, shall be submitted and agreed in writing with Galway City Council prior to the commencement of the development.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

20.

- (i) All plant machinery chimneys, filters or extraction vents to be used in connection with the development shall be located within the buildings and shall not extend beyond roof level unless subject of a separate planning permission.
- (ii) No telecommunications structures shall be erected on the building unless authorised by a necessary planning consent.

Reason: In the interest of residential amenity.

21. No security shutters, canopies, projecting signs/ spotlights or other appliances shall be erected onto the development without a prior grant of planning permission. Reason: In the interest of visual amenity.

22. Prior to the commencement of development, the developer shall submit details of the design and specification of all signage to the Planning Authority for written agreement. Use of the Irish language/bilingual signage shall be incorporated within the development and the applicant shall liase with Gaillimhe na Gailiige in this regard.

Reason: In the interest of visual amenity.

23. Prior to the commencement of development, the developer shall submit details of the design and specifications of all solar panels proposed on the roof levels to be agreed with the Planning Authority.

Reason: In the interest of visual amenity.

24. All construction and demolition waste generated by the proposed development shall be disposed of by a suitably licensed service provider to a suitably licensed facility.

Reason: In the interest of orderly development and preservation of amenity.

25. The nature and use of the hotel shall be restricted to use as a short term tourist hotel as described in the application and defined under relevant tourist accommodation legislation and shall not be used for long term or permanent residential accommodation

Reason: To clarify the nature and extent of development approved by this permission in the interests of residential amenity.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

27. 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.