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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 18/47**

**Appeal** by An Taisce of 26 Manor Avenue, 26 Kingston, Galway and by The Woodquay Residents' Association care of 11 Riverside, Woodquay, Galway against the decision made on the 1<sup>st</sup> day of June, 2018 by Galway City Council to grant subject to conditions a permission to K. King Construction Claregalway Limited care of O'Neill O'Malley Architects of Second Floor, Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of uninhabited houses numbers 33, 34 and 35 Saint Brendan's Avenue and construction of a residential development of 19 number dwelling units consisting of seven number own door one bed apartments, three number own door two bed apartments, four number two bed two storey maisonettes, one number three bed two storey maisonette and four number three bed three storey maisonettes located in three number two, three and four storey blocks. This application also includes bicycle parking, bin store, landscaping including shared public courtyard, provision of all associated surface water and foul drainage services and connections, ancillary to the residential development and all associated site development works and services.

Numbers 33, 34 and 35 Saint Brendan's Avenue, Woodquay, Galway.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The proposed development of a brownfield city centre site, where disused and derelict land and buildings will be replaced by 19 number residential apartments, within an area zoned for residential use, would supply centrally located housing which can avail of sustainable modes of transport, would not unduly impact on the amenities of adjoining residential properties and would, subject to compliance with the conditions set out below, 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 submitted on the 10th day of May 2018, 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. 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. In this regard, all surface water from the development shall discharge to suitably designed soakaways on site or to the combined sewer following attenuation or other appropriate SUDS measures, in the event that discharge to ground is rendered inappropriate because of ground conditions. Details, including design calculations of the proposed system, shall be submitted to, agreed in writing with, the planning authority prior to commencement of development.

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

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority:
- (a) details of all external materials and finishes,
  - (b) detailed drawings of all perimeter site boundary walls,
  - (c) a detailed landscape plan,
  - (d) details of a public lighting scheme,
  - (e) details of adequate and appropriately located refuse storage facilities,
  - (f) details of the provision on site of at least 44 number cycle parking/storage spaces, which shall be secured, conveniently located, sheltered and well lit, with key/fob access required to bicycle compounds and to a design which will allow both wheel and frame to be locked,
  - (g) details of the treatment of the main access off Saint Brendan's Avenue,
  - (h) details of any required re-organisation of on-street parking and road markings, and
  - (i) a layout and other details of the route of the proposed Combined Sewer diversion.

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

4. Prior to the commencement of any works on the site, a record of the historic buildings shall be made by a qualified historic buildings expert and submitted to the planning authority. Further mitigation which may arise from this survey, such as a measured survey or archaeological monitoring shall be agreed in writing with the planning authority.

**Reason:** In order to mitigate the loss of the built heritage which this site possesses.

5. 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.

6. 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 including area 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 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;

- (e) measures to obviate queuing of construction traffic on the adjoining road network;
- (f) 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) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) proposals for remediating any unearthed contaminants; and
- (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.

7. 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 residential amenities of property in the vicinity.

8. During the construction and demolition phases the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.



10. 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 public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. 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.

12. 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.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**