

An  
Bord  
Pleanála

Board Order  
ABP-313029-22

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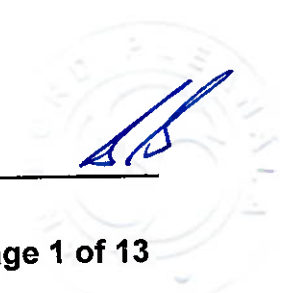
**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 21/418**

**Appeal** by Noel and Mary O'Connor care of Daniel Melia of Collinamuck, Rosscahill, County Galway against the decision made on the 22<sup>nd</sup> day of February, 2022 by Galway City Council to grant subject to conditions a permission to Hanoview Limited care of Cathal O'Neill and Company of 33 Pembroke Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing derelict buildings, including a habitable house on site (327 square metres). Three-storey over part-basement boutique hotel of 1,239 square metres containing 34 bedrooms and ancillary spaces and a balcony at first floor level to the rear (west) façade, accessed off Nun's Island Street with secondary pedestrian-only access off the waterside laneway to rear (south-west) and with associated landscaping, including an internal courtyard, all at numbers 26 and 34 Nun's Island Street, 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.**

## **Reasons and Considerations**

Having regard to the Galway City Development Plan 2023 - 2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the residential zoning objective for the site, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not give rise to flood risk, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the Screening Report for Appropriate Assessment submitted with the planning application, and the report and screening assessment as completed by the Inspector which concluded that the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) are the European Sites for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment is required for these European Sites.

## **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the planning application and the appeal, the mitigation measures contained therein and the submissions on file and carried out an appropriate assessment of the implications of the proposed development for the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the Conservation Objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, and the mitigation measures which are included as part of the current proposal. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Inspector of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lough Corrib Special Area of Conservation (Site Code: 000297), the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the Conservation Objectives of those sites and that there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

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

**Reason:** In the interest of clarity.

2. All of the proposed mitigation measures set out in the Natura Impact Statement shall be complied with in full.

**Reason:** In the interests of orderly development and environmental protection.

3. The proposed development shall be amended as follows:
  - (a) The upper floor bedroom windows that overlook the proposed courtyard shall be faceted as indicated in the applicant's submitted design statement.
  - (b) The tall coniferous tree in the north-western corner of the site shall be removed.
  - (c) (i) The western block of the proposed hotel shall have a finished ground floor level above 5.21 metres OD.

- (ii) The ground floor bedrooms denoted as numbers 1, 2, and 3 shall be omitted from the eastern block and the proposed communal facilities on this ground floor shall be expanded into the space thus vacated.
- (iii) The basement shall be waterproofed and the ground floor of the eastern block to skirting level shall be waterproofed.
- (iv) The access/egress route to the external door of the western block from the south shall have a finished level above 5.21 metres OD.

Revised drawings and supporting documentation 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 interest of residential amenity and in order to mitigate the risk of flooding in the interest of public safety.

4. Prior to commencement of the demolition of the buildings on the site, a dusk emergence and dawn re-entry bat survey shall be undertaken of these buildings by a suitably qualified bat ecologist during the optimal time of year for bat activity. A report of this survey shall be submitted to the planning authority. This report shall advise on any bat sensitive lighting specifications that may be appropriate for incorporation in the development.

**Reason:** To ensure the protection and well-being of bats.

5. Prior to commencement of the construction of the proposed hotel, a scheme for the lighting of the hotel and its grounds shall be submitted to, and agreed in writing with, the planning authority. This scheme shall specify the type of lighting to be installed and it shall incorporate, where appropriate, the specifications set out in the bat report required under condition number 3.

**Reason:** In order to safeguard the residential amenities of the area.

6. 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 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.

7. A full architectural survey of buildings proposed for demolition shall be carried out and submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

**Reason:** In order to facilitate the recording of the architectural heritage of the site.

8. Prior to commencement of development, a construction methodology statement indicating the means proposed to ensure the protection of the structural stability and fabric of the house and common boundary treatment of the protected structure at number 25 Nun's Island shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the adjoining protected structure.

9. All works shall be carried out under the supervision of a qualified professional(s) with specialised structural engineering and conservation expertise.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the adjoining protected structure.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of retained and any proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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 visual amenity.

11. Details, including samples of the materials, colours and textures of all the external finishes to the proposed buildings, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

13. Drainage arrangements, including, the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of public health.

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning

authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

15. Construction traffic shall be managed in accordance with a construction traffic management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of good traffic management and road safety.

16. 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) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

- (f) 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.
- (g) 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.

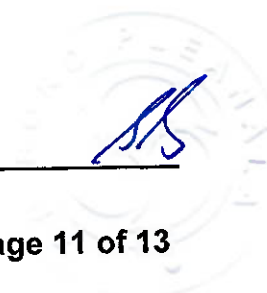
**Reason:** In the interests of amenities, public health and safety.

- 17. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

- 18. Prior to the installation of external signage, details of such signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity.



19. Prior to the opening of the hotel, a hotel management plan shall be submitted to the planning authority. This plan shall address the following:

- (a) The presence of staff on a 24-hour, seven-day a week basis.
- (b) The use and operating hours of the gate to the site from the footpath, which runs past Numbers 32 and 33 Nun's Island.
- (c) Refuse collection arrangements.

**Reason:** In order to safeguard the residential amenities of the area.



20. Prior to the opening of the hotel, the cycle parking shown on the submitted plans shall be provided and, thereafter, retained in-situ for the duration of the use of the site as a hotel.

**Reason:** In order to promote and facilitate cycling as a sustainable mode of transportation.

21. 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.

**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *16<sup>th</sup>* day of *November* 2023.