

An
Bord
Pleanála

Board Order
ABP-318814-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 23/226

Appeal by Chartered Privilege Limited care of Enviroplan Consultancy Limited of Suite Three, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 1st day of December, 2023 by Galway City Council to refuse permission for the proposed development.

Proposed Development: Retention and completion of (1) change of use of dwellinghouse granted under planning reference number 21/305 to guesthouse accommodation and amalgamation into existing mixed-use guesthouse and restaurant building granted under planning reference number 19/157; (2) internal layout changes including communal living area, reception/storage, caretaker's room and guesthouse bedrooms, (3) additional extensions on the first and second floor to rear over permitted kitchen area to be used as part of guesthouse permitted under planning reference number 19/157, (4) alterations to elevations permitted under planning reference number 19/157 and planning reference number 21/305, (5) permission to demolish existing single storey building at number 7 Newtownsmith and (6) all associated site works and services at number 3, number 5 and number 7 Newtownsmith and number 11 Mary Street, Galway City.

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 "City Centre" land zoning objective that pertains to the subject site and the pattern of development in the city centre area, it is considered that, subject to compliance with the conditions set out below, the change of use and rear extensions sought to be retained and the proposed demolition works, would not adversely impact upon the archaeological/architectural heritage of the city, would be acceptable in respect to the design alterations and would not adversely impact upon the neighbouring amenities within the city centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, completed and carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of October 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. Final details of the materials, colours, and textures of all the external finishes of the development, shall be submitted to, and agreed in writing with the planning authority within one month of this grant of planning permission.

Reason: In the interest of visual amenity.

3. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roof, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) 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.

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

4. Details of external signage shall be agreed in writing with the planning authority within one month of this grant of planning permission.

Reason: In the interests of visual amenity and architectural heritage.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to the commencement of this development.

Reason: In the interest of public health.

6. 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 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.

7. The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste. The plan shall include the location of any and all archaeological or cultural heritage constraints relevant to the development as set out within the Archaeological Assessment and as may be identified during demolition and/or groundworks.

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


8. (a) The developer shall ensure that all mitigation measures in relation to archaeological and cultural heritage as set out in pages 34 and 35 of the Archaeological Assessment Report, prepared by Throughtime Limited and submitted to the planning authority on the 12th day of October 2023, as part of their planning documentation shall be implemented in full except as may otherwise be required to comply with the conditions of this permission. In this regard the developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) to conduct the following:
- (i) to carry out a measured buildings survey of number 7 Newtownsmith Street using appropriate non-intrusive and non-risk methods e.g. LIDAR in advance of any demolition works,
 - (ii) to monitor all demolition works and ground disturbance required for the demolition, including the breaking and removal of floor slabs/surfaces, levelling of ground, removal of basal rubble. No demolition or groundworks shall take place in the absence of the archaeologist without his/her express consent,
 - (iii) to carry out, where appropriate sampling of archaeological fabric/material with a view to dating such material e.g. timber/mortar sampling for dendrochronology and/or radiocarbon dating, and
 - (iv) the developer shall facilitate the identification, recording, retrieval of all architectural fragments within the development site, in consultation with the Galway City Heritage Officer, appropriate reinstatement and /or storage of same.

- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation preservation in-situ/excavation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring, and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

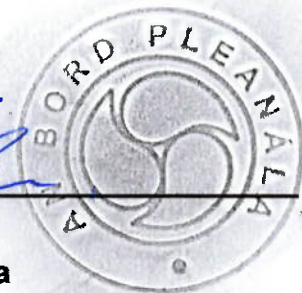
Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

9. 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 28th day of November, 2024.