



An
Bord
Pleanála

Inspector's Report ABP-301960-18

Development	Construction of 19 dwellings and all associated site development works and services.
Location	No's 33, 34, & 35 St. Brendan's Avenue, Woodquay, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	1847
Applicant(s)	K King Construction Claregalway Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	An Taisce, Galway Association The Woodquay Residents Association
Date of Site Inspection	27 th September 2018
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at no's 33, 34, & 35 St. Brendan's Avenue, Woodquay, Galway. St Brendan's Avenue is located in the centre of Galway City to the north west of Eyre Square. The subject site is rectangular in shape with its long axis running east from St. Brendan's Avenue to the back of the Corrib Shopping Centre (c73m in depth.. The site comprises three single storey / dormer buildings together with a steel gateway along St. Brendan's Avenue and a surfaced area extending from the rear of these buildings to the eastern end of the site, with a line of single storey buildings extending along its full length along the northern side, and a shorter line of single storey buildings along its southern side.
- 1.1.2. No's 33 and 34 are adjoining buildings. They are separated from No 35 by a double gateway. The site map submitted indicates an agreed wayleave through No 35. This appears to correspond with the information provided in the water services drawings, particularly the proposed foul sewer network (drg no. 5163803-SBA-001 Rev A) which shows an existing sewer running through the site where the gateway is located It is proposed that this will be relocated to the south to run through a proposed gated entrance beneath unit 9.
- 1.1.3. The site rises from the rear of the front buildings to the rear (eastern end) of the site by c3.5m.
- 1.1.4. There is a pedestrian access from the rear of the site to an access road serving the Corrib Shopping Centre, which is gated at its junction with Bóthar na mBan.
- 1.1.5. Adjoining the site to the north and extending to the junction of St. Brendan's Avenue and Bóthar na mBan there are three and four storey buildings apartment development and a hostel of recent origin along St. Brendan's Avenue. Adjoining the site, to the south is a two storey house. The subject site extends in part to the rear of that house. On the opposite side of St. Brendan's Avenue are two storey plus dormer dwellings of recent origin and further north and south, on the opposite side of St. Brendan's Avenue are older two storey dwellings. Opposite the junction of St. Brendan's Avenue with Bóthar na mBan is the access to Galway County Council Civic Offices.
- 1.1.6. The site is given as 0.1175ha (0.29ac).

2.0 Proposed Development

- 2.1.1. The proposed development is the demolition of uninhabited houses and the construction of 19 dwelling units, consisting of: 7 no. own door 1 bed apartments, 3 no. own door 2 bed apartments, 4 no. 2 bed 2 storey maisonettes, 1 no. 3 bed 2 storey maisonette and 4 no. 3 bed 3 storey maisonettes; in three blocks of 2, 3 and 4 stories. The application includes bicycle parking, bin storage, landscaping, including shared public courtyard, provision of all associated surface water and foul drainage services and connections ancillary to the residential development, as well as all associated site development works and services.
- 2.1.2. The proposed development is in 3 blocks forming three sides of an external courtyard.
- 2.1.3. Block 1 which fronts onto St Brendan's Ave is 3 storeys with 9 apartments. The ground floor level incorporates 4 same level units. The first floor incorporates 5 duplex units. The ground floor apartments have independent front door access off St Brendan's Ave. The remainder are accessed via an external staircase at the rear of the building, located to the side of Block 2, off the central courtyard. The ground floor units have an external amenity area at the rear. The upper level apartments have an amenity area in the form of semi-private balconies at the main access point to the apartments.
- 2.1.4. Block 2, which is at right angles to Block 1, located close to the north of the site, is a 2 storey building of 2 x 2 bed apartments with access to the ground floor apartments via own door surface level. Access and to first floor apartments is via the external staircase which also serves Block 1. External amenity areas are provided at ground floor and via the balcony at first floor.
- 2.1.5. Block 3 which is parallel to Block 1, is a 4 storey building at the rear of the site, with a finished floor level of +8.675 and a ridge height of 13.5, incorporating 12 apartments 4 located at ground floor with own door surface level access from the external courtyard. The remainder are accessed at first floor level either via an external stairs from the courtyard located to the side (southwest) of block 3, or via a short run of steps from an access point off the laneway at the rear of the site. The laneway access is provided via steps to allow for a difference in ground and FFL. This

laneway provides a link through the site from front to rear. The development of this block involves a reduction in ground level at the rear of the site by c 2.

2.1.6. The application is accompanied by:

- Drawings
- Computer generated images
- Standard construction drawings
- Water services drawings
- An Engineering Report
- An Architect's Design Statement which includes in Fig 10 an elevated view of the site from the rear.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 25 conditions which include:

condition no 2: Development contribution of €148,124.

condition no 3: Prior to the commencement of development, the developer shall pay a contribution of €40,000 (forty thousand Euro) to Galway City Council towards the provision of public and sustainable transport facilities.

Reason: In order to comply with the terms of the current Development Contribution Scheme and in accordance with Section 48 of the Planning and Development Acts 2000, as amended.

condition no 4: pre development archaeological testing

condition no 5: pre development Landscape Plan

condition no 6: storage of refuse bins not permitted within the terrace areas or to the front of unit 10

condition no 8: The management and maintenance of the development shall be the responsibility of a management company established by the developer. A

management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, open spaces, landscaping, roads, paths, cycle parking, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the Planning Authority, following either the substantial completion of the development or the first occupation of any apartment, whichever is sooner.

Reason: In order to provide for the future maintenance of this development in the interests of the proper planning and sustainable development of the area.

condition no 9: The developer shall comply with the requirements of the Multi-Unit Developments Act 2011.

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

condition no 13: Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing of Galway City Council or other bodies responsible for such areas or utilities, before any alterations are carried out.

condition no 14: No surface water or foul water from the site shall cause nuisance to adjoining properties and details of the surface and foul water system and connections to the public sewer shall be submitted for agreement to Galway City Council prior to the commencement of the development.

condition no 16: 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.

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

condition no 19:

Prior to the commencement of development on site, the developer shall submit drawings / illustrations of the main access point to the development off St Brendan's Avenue, which shall clearly illustrate the surface with the public realm and how this area can be made more animated and visually acceptable. These drawings shall be

a scale of 1:50 and shall specify the materials proposed for the gate, walls, ground, ceiling, along with details of lighting, all of which must be of high quality.

Reason: In the interests of visual and residential amenity.

and condition no 20: The developer shall agree any requirement for the re-organisation of on-street parking and road markings. Details of same shall be submitted for written agreement to the Planning Authority, prior to the commencement of development on site.

Reason: In the interests of orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two planning reports on the file, the first dated 10/4/2018 recommends a request for further information, which issued. The report includes:

A number of consultations were held with the applicant's agent, which led to a number of revisions to an original draft proposal which incorporated 31 apartments.

There is an existing 3 storey apartment building located to the north which fronts to St Brendan's Avenue and has a ridge height of 11m; this incorporates 10 apartments.

Further north fronting St Brendan's Avenue and Bóthar na mBan there is an apartment development / youth hostel with 21 apartments and youth hostel over 4 levels; ridge height of +18.29 along St Brendan's Avenue to + 23.17 and 27.32 along Bóthar na mBan. The building incorporates basement car park with an expansive hard surfaced communal open space for the development above this basement level.

At the rear of the site is Corrib Shopping Centre, which reaches a height of 21m (+32) when measured from adjoining ground levels (+11), which is a similar ground level to that at the rear of the development site. Corrib Shopping Centre is located some 6m from the rear of the site.

The buildings to either side of the site on St Brendan's Ave are two storey; that to the south has a ridge height of 16.82, 3.9m above the ridge height of No 35.

The development site is stated to measure 1,175sq m, the gross floor area 1,509 sq m, plot ratio of 1.28:1. In the Galway City Development Plan (GCDP) at section 11.3.4 the applicable plot ratio is per standards for outer suburbs, where the plot ratio of 0.46:1 for residential development which shall not normally be exceeded. However the development plan allows for higher densities in the interests of sustainability and urban design when new residential development has regard to prevailing pattern, form and density in the local area. The development site is located on the edge of the Galway City Core. The area to the rear is designated City Centre where a plot ratio of 2:1 is acceptable, subject to design consideration.

The prevailing pattern and form of neighbouring buildings to the northeast is 3-4 storeys with a plot ratio of 1.34:1 and 1.47:1, with the shopping centre being higher. Neighbouring buildings of two storeys would be lower. It is considered that the plot ratio of 1.25:1 is acceptable. The density accords with the policy set out in the National Framework Plan with regard to the regeneration of vacant sites within urban environments.

It appears that the laneway to the rear was in use in the past to access the rear of these sites, prior to the construction of the shopping centre. There is no indication of a right of way being present. The applicant has failed to demonstrate sufficient consent to traverse these lands.

Car & cycle parking – no car parking provided. The design statement states that given its location etc the provision of car parking would be detrimental.

In section 4.19 of the Sustainable Urban Housing Design Standards for New Apartment Guidelines, it is stated that 'in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity'.

11.3.3 of the GDP states 'for new developments in the inner residential areas where a reduction in car parking standards is considered acceptable by the Council on

grounds of urban design or sustainability, a transport contribution will be levied in lieu of on-site parking spaces.’

Impact on neighbouring buildings – it is considered that the proposed development has had due regard to the location, form, height and design of neighbouring buildings taking account of issues such as overlooking, overshadowing and general impact. The design of block 1 has had due regard to the neighbouring buildings along St Brendan’s Ave. with the form scale and height integrating well with the existing streetscape. Block 2 which backs onto a hard surfaced area of communal open space, is a two storey buildings which protrudes above the existing party boundary wall by approximately 3m. the largest of the three residential blocks sits at the rear of the site, in close proximity to a 7 storey building. The main span / bulk of this building is sited beyond the rear boundary of the adjoining site at No 36 St Brendan’s Ave, which appears to have a commercial legacy on site.

No 36 St Brendan’s Ave has a ground floor rear extension located inside the southern boundary, 3m high. It is shown in Fig No 10 of the Design Statement. It appears that No 36 was subdivided in the past, to provide a commercial element at the rear of the site, where an existing large open barn is located. There is commercial lighting on site and an expansive concrete yard and a large vehicle access point to the service road of Corrib Shopping Centre.

The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2018) will be taken into account. The Design Standards are cited, including that ‘identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority.’

It is considered that the development is located within an area defined as central and or accessible urban locations.

Design standards/development standards – the applicant has failed to demonstrate full compliance with all of the minimum standards contained in the Design Standards. Appendix 1, 2 and 3 may incorporate the relevant information, but have not been included. The mix of apartments is 7 no 1 bed (37%), 7 no 2 bed (37%), 5 no 3 bed (26%). The number of 1 bed units is above the percentage normally accepted. However it is considered acceptable, given the location and overall scale of development.

Communal open space – Communal recreational and amenity space is required at a rate of 15% of the gross site area: 18.4% provided.

Private open space – the private open space provisions are stated to be set out in Appendix 1, but have not been included. The guidelines state that ‘private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. Where provided at ground level, private amenity space shall incorporate boundary treatment appropriate to ensure privacy and security. Private amenity space should be located to optimise solar orientation and designed to minimise overshadowing and overlooking. Balconies should adjoin and have a functional relationship with the main living areas of the apartment. In certain circumstances, glass-screened ‘winter gardens’ may be provided.’

The proposed development meets the minimum requirements.

Overlooking – The development plan states that ‘residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.’ The proposed apartments generally do not give rise to any overlooking concerns, given the orientation / set backs of all upper level windows and the provision of visual screens on the external staircases. The first floor window of unit 9 gives rise to overlooking concerns as it appears to overlook the private amenity space of No 36.

Bin storage - 11.3.1 (i) of the development plan refers to:

- Each residential unit shall have adequate storage for three wheeled bins to facilitate the recycling policy of the City Council. Residential units with no rear access shall provide adequate storage for the bins to the front of the development, in contained units.
- For residential units without suitable private open space, a set of three x 240 litre bins shall be provided for each pair of apartments, or a set of three 1100 litre bins shall be provided for a block of ten apartments.
- Bin storage shall generally be on the ground floor of developments and be screened from public view and adjacent to the block it serves.
- Applicant to be required to quantify storage required.

Part V – a condition to be attached.

Recommending a further information request on 4 points, which request issued.

3.3. Other Technical Reports

3.4. Recreation & Amenity Department – landscape masterplan details are broadly acceptable. An amended plan, indicating full grown tree/shrubs spread should be issued prior to commencement.

3.5. Drainage Section – condition:

All surface water from the development shall discharge to suitably designed soakaways. Details, including design calculations, of the proposed soakaway system shall be agreed in writing with the Planning Authority prior to construction commencing on site. An alternative solution incorporating discharge attenuation or other appropriate SUDS measures can be developed and agreed with the authority in the event that discharge to ground is rendered inappropriate because of ground conditions.

Reason: In the interests of proper planning and development.

3.6. Environment Department – conditions.

3.7. **Prescribed Bodies**

3.8. Irish Water

3.8.1. Irish Water has no objection to the proposal based on the plans and particulars included in the planning application.

- 1) Where the applicant proposes to connect to a public water/ wastewater network operated by IW the applicant must sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- 2) In the interests of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Wastewater Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

- 3) Applicant is to submit a layout indicating the route of the proposed Combined Sewer diversion for consideration by IW.

3.9. Further Information Request – 10/4/2018

1 the site is considered to be located in an area defined as a central and or accessible urban locations. Applicant is requested to comment on:

- a) Section 5 of the Sustainable Urban Housing Design Standards for New Apartment Guidelines which states that built to rent accommodation must be so described in the public notices and be for long - term rental.
- b) Demonstrate full compliance with the adopted apartment standards...
- c) Submit a building life cycle report.

2 re. the pedestrian access from the laneway at the rear, demonstrate sufficient legal title to use this laneway.

3 the first floor window of unit 9 gives rise to overlooking concerns as it appears to overlook the private amenity space of No 36, comment and amend drawings as appropriate.

4 citing section 11 3 1 (i) of the GCDP, applicant is requested to quantify storage required in the light of the standards.

3.10. Further Information Response – 10/5/2018

3.10.1. O'Neill / O'Malley Architecture + Project Management have submitted a response to the FI request which includes:

Re appendices (1a) - the development will not be build to rent.

Re appendices (1b) - they were included with the application and are evident on the planning portal. They have now expanded the housing quality assessment, appendix 2, showing each individual unit and how it complies. Appendix 1 has been expanded, further to the guidelines, to show bin stores, cycle spaces and car parking.

Re. building life cycle report (1c), report attached.

Re. item 2 - details are attached.

Re. item 3 - the first floor window of unit 9 has been omitted; revised drawings supplied.

Re. item 4 - the proposal provides for 6 x 1100 litre bins; the standard required 3 bins for 10 units, which is compliant. Units 1 to 4 have terraces and have direct access to the courtyard and it is proposed these units can store 3 x 240 litre bins. This would further reduce the requirement on the communal bins which would serve 15 units. The position of the bin store is screened from public view on the ground floor and central to the scheme and the apartments. They propose larger openings to access the bin stores and to enhance the ease of entry to the bins.

The response is accompanied by:

Building life cycle assessment

Solicitor's letter and statutory declaration re access to rear laneway.

Appendix 1 – development statistics.

Appendix 2 – development statistics per apartment.

3.11. Further Reports

3.11.1. The second planning reports dated 31/5/2018 recommends permission subject to conditions. The report includes:

Re item 1 a) – the apartments are not build to rent. A condition will be attached which requires the developer to submit details of a management company and as recommended in the guidelines.

Re item 1 b) – compliance with apartment standards, the response is considered acceptable.

Re item 1 c) – building life cycle report, the response is considered acceptable.

Re item 2 – legal title to use the laneway, the response is considered acceptable.

Re item 3 - removal of the first floor window of unit 9, the response is considered acceptable.

Re item 4 – refuse storage, it is considered that refuse stores/ bins should not be permitted to be located on the external terrace areas as these areas sit adjacent to the main central courtyard/ communal open space and could give rise to negative impact on amenity.

Built Heritage – given that the site is located in close proximity to the Zone of Archaeological Potential and Galway City Centre, it is considered that it would be prudent to carry out pre-development archaeological investigation works. This would accord with some third party concerns raised on file.

Figure 8.12 of the development plan, which is not a scaled map, has been updated by the National Monuments Service. This area is designated as a zone of notification on the official map, therefore while it appears that the development site may be located in a ZAP, it is not.

3.12. Third Party Observations

3.12.1. Third party observations have been read and noted.

4.0 Planning History

Adjacent site to the north:

96/709 St Brendan's Ave / Bothar na mBan – permission to construct 10 apartments and one townhouse; granted.

99/706 St Brendan's Ave / Bothar na mBan - permission to demolish 2 dwellings and construct 18 apartments, youth hostel, underground car park; granted.

00/301 - permission to construct 3 additional apartments, additional floor over youth hostel, extension to underground car park and alterations to plans 99/706 on enlarged site extended into rear gardens of dwellings 29 – 32 St Brendan's Ave; granted.

00/587 - permission to demolish 4 dwellings 29 – 32 St Brendan's Ave and construct 9 apartments and extension to underground car park per 99/706, 00/301; granted.

00/879 - permission for retention of minor alterations to elevations, retention of extension to kitchen/dining room of hostel and change of use of apartment 15 to youth hostel, minor variations to site boundaries, to plans approved under 99/706, 00/301; granted.

01/219 - permission to construct an additional apartment to plans approved under 00/587, variation of condition no 6; granted.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Galway City Development Plan 2017-2023 is the operative plan. The site is zoned 'residential': to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.
- 5.1.2. Various development control standards in the plan in relation to residential amenities and apartments are referred to in the planner's report.
- 5.1.3. A public realm strategy for the city will seek to strengthen and enhance the attributes which contribute to the distinctive physical and social character of the city ensuring that the interests of all users are considered in a socially inclusive and holistic manner. The strategy will incorporate a multi-disciplinary approach. It will include for participation of all public and private interests and the community in the process. It will set out the details of phased co-ordinated projects, that will enhance and improve the way the city functions on a day-to-day basis, resulting in long-term socio-economic, cultural and environmental benefits for residents, communities, businesses, and visitors. The preparation of the public realm strategy will include, at a minimum, for:
- Collaboration with all stakeholders.
 - Establishment of common goals and targets.
 - A Design Manual to establish design guidance for all elements of the public realm. When completed, the public realm strategy will be enmeshed in all future strategies and will be the first point of reference for all works and activities within the public realm.

The strategy will co-ordinate with the GTS (Galway transport Strategy) which includes for a range of measures to improve the quality and experience of the city

environment in particular increased opportunities to re- allocate road space for public transport, walking and cycling, to reduce traffic movements in the city centre including for the reduction of on street car parking. The strategy will complement the GTS ensuring that qualitative public realm considerations are integrated into GTS projects.

- 5.1.4. Car parking standard - maximum 1 car parking space per dwelling: For new developments in the city centre residential areas where a reduction in car parking standards is considered acceptable by the Council on grounds of urban design or sustainability, a transport contribution will be levied in lieu of on-site parking spaces.
- 5.1.5. Fig 8.12 identifies a Zone of Archaeological Potential (ZAP). Given the medieval legacy of Galway, most of the city centre is designated a Zone of Archaeological Potential (ZAP). In advance of any new development on a site of archaeological significance or within the ZAP there is a requirement for consultation with the DAHRRGA. It is the policy of the Council to ensure that development within an area of archaeological significance/potential does not adversely impact on the archaeological heritage. Galway has many multi-period buildings containing medieval and late medieval fabric. Many of these buildings are both recorded monuments and protected structures. Through the planning process the Council will encourage the protection of the archaeological heritage of these buildings. Where development is taking place it is important that archaeological site reports for sites are compiled. Where appropriate, the Council will require impact assessment, monitoring, surveying or excavation of the archaeological heritage of a site during the development process.
- 5.1.6. Vernacular heritage – (policy 8.4) Encourage the rehabilitation, renovation and re-use of existing structures that contribute to the character of the city. Increase public awareness of the vernacular heritage of the city through publication of the *Survey and Inventory of Galway City's Thatched Buildings. Shaping the Future: Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG, 2012)* details good examples of adaption and reuse, setting out principles of urban reuse and is a useful guiding document.
- 5.1.7. City Centre Area Based Plans - Woodquay - the Council proposes to carry out a civic improvement scheme for Woodquay, in consultation with the public, building on the ongoing community engagement and recent initiatives in this regard. The aim of

the scheme will be to improve the civic quality and residential amenity of the area through improvements in traffic management, parking regime and public realm. The scheme will take account of the public realm strategy and will include measures to enhance the strong community spirit such as community events and market days.

Specific objective - Prepare environmental improvement scheme for Woodquay.

10.7 Prepare environmental improvement schemes for Woodquay, Bowling Green and carry out further public realm improvements at Raven Terrace.

5.2. Sustainable Urban Housing Design Standards for New Apartment Guidelines

- 5.2.1. To meet housing demand in Ireland, it is necessary to significantly increase supply. This is a key pillar of the overarching Rebuilding Ireland Housing Action Plan. The National Planning Framework targets increased housing supply in Ireland's cities and urban areas in particular. Increased housing supply must include a dramatic increase in the provision of apartment development.
- 5.2.2. In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.
- 5.2.3. City and County Development Plans must appropriately reflect this, in the context of the need to both sustainably increase housing supply and to ensure that a greater proportion of housing development takes place within the existing built-up areas of Ireland's cities and towns. This means making provision for more residential development to take place on infill and brownfield sites and as refurbishment of existing buildings, to increase urban residential densities. Identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority.
- 5.2.4. In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated

in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

- 5.2.5. The guidelines aim to secure wider Government policy to achieve more sustainable urban development that will enable more households to live closer to their places of work without the need for long commuter journeys and disruption of personal and family time.
- 5.2.6. Cycling provides a flexible, efficient and attractive transport option for urban living and these guidelines require that this transport mode is fully integrated into the design and operation of all new apartment development schemes. In particular, planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors.
- 5.2.7. Accessibility to and secure storage of bicycles is a key concern for apartment residents - for cycle parking requirements are: 1 space per bedroom plus 1 visitor space per 2 units.

5.3. National Planning Framework - Ireland 2040 - Our Plan

- 5.3.1. This is the Government's long-term strategic planning policy framework to guide national, regional and local planning and also the framework to guide investment decisions over the next 25 years.
- 5.3.2. In relation to housing it states that well designed and located higher density housing will assist fast-growing urban areas to achieve much needed scale, medium-sized urban areas to find a route to quality in a new competitive framework, all urban areas to increase vibrancy and vitality, and increased efficiency and sustainability in the use of energy and public infrastructure.
- 5.3.3. National Policy Objective 34 - Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.
- 5.3.4. National Policy Objective 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

5.4. **Natural Heritage Designations**

- 5.4.1. Lough Corrib SAC site code 000297, located c 200m distance away, is the nearest Natura site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.2. Two third party appeals have been received.

- 6.3. Woodquay Residents Association have appealed the decision to grant permission. The grounds includes:

- Development is premature in advance of a long promised but never delivered civic amenity improvement scheme, an environmental improvement scheme for open spaces and a public realm strategy, which are objectives of the City Development Plan.
- The development is premature in advance of a long promised public consultation and community engagement on improvements in the area which would facilitate and encourage a sustainable neighbourhood and community. This type of development is only encouraging one type of resident and not a mix. There are a lot of airbnb's on St Brendan's Ave; there is no improvement plan and a dominant transient population; more cars and residents into an area that can't cope; long term residents are being driven out.
- It contravenes the City Development Plan and is contrary to multiple policies and objectives. Short term specific objectives for civic spaces include to progress the enhancement of civic spaces at the Small Crane and Woodquay/Potato Market area. This has not been done, the development is a material contravention of the city development plan. The aim for housing and sustainable neighbourhoods is: to provide for good quality housing for all sectors of the community in sustainable neighbourhoods that are attractive

places to live and are within easy access to a range of local services, amenities, community facilities and public transport networks; to ensure that these neighbourhoods have a sense of identity and foster sustainable living and movement patterns; to enhance the quality and to protect the character of Galway's older neighbourhoods and regenerate the city centre's neighbourhoods. This doesn't mean one type of resident. The Core Strategy of the Plan is coupled with a robust policy in relation to the development of sustainable neighbourhoods to create communities with a strong identity where a good standard of living can be achieved by all. The strategy promotes a range of house types, sizes and tenures, suitable for households with different income levels. It promotes sustainable densities, incorporating high design standards and provides for a co-ordinated approach with investment and the delivery of essential infrastructure and a range of services.

- The development specifically contravenes the objective of sustainable neighbourhoods; to promote a range of house types, sizes and tenures suitable for households with different income levels, strong townscape, identity or sense of place; the lack of community facilities; retention of traditional townscape in Woodquay.
- The buildings might have passed had they appeared in the late 90's or early 2000's. They should be brought down a storey.
- Access to St Brendan's Ave for Fire Vehicles is restricted. This is contrary to the Building Regulations and TGD pertaining to fire safety standards. Table 5.2 of Technical Guidance Document is referred to. The City Council has not confirmed the safety of St Brendan's Ave. Correspondence between the City Council and the third party in this regard is referred to.
- Quality of life issues – The City Development Plan is cited in its support for achievement of high quality of life. The quality of life of long term residents of St Brendan's Ave is very poor. Issues range from the party culture, to graffiti, to drugs. More buildings that ignore the vernacular does not give long term residents much reason for optimism.
- It is adjacent to the Galway Medieval Town (RMP GA09- 100), the Zone of Archaeological Potential/Zone of Notification, in proximity to two ACAs: Eyre

Square and the City Core; and is part of the historic Woodquay area which retains a strong residential content and traditional townscape.

- One of the last remaining working farms in Galway City was located at the site of the proposed development. Details including photographs of 150 year old cottages, cow path and cut stone sheds are supplied. In this regard chapter 8 of the City Development Plan is extensively cited.

6.4. An Taisce have appealed the decision to grant permission. The Board have already considered their request for leave to appeal and have decided to accept their appeal.

6.5. The grounds of appeal includes:

- The development materially contravenes the City Development Plan.
 - Chapter 1.2
 - Chapter 2
 - Chapter 8 – 8.2, 8.4 and 8.7.
 - 10.2, 10.2.5 and previous plans.
 - Chapter 11 – 11.2.8.
 - The development contravenes the Building Regulations and TGD 'B' Fire Safety Volumes 1 & 2.
 - The development contravenes the Planning Policy Statement 2015 (Dept of Environment, Community and Local Government), key principles 1, 2, 3, 7, 8 & 10; and runs counter to the aims of 8.1.
- Permission would be premature in advance of:
 - Long promised community engagement and public consultation regarding Woodquay, Civic and Residential Amenity Improvement Scheme.
 - Implementation of a Civic and Residential Amenity Improvement Scheme, for Woodquay, per Chapter 10 of the CDP.
 - Pedestrian Movement & Safety Scheme per Chapter 3 of the CDP.
 - A Woodquay Environmental Scheme for open spaces, per Chapter 4 of the CDP.

- It is in near proximity to the Galway Medieval Town (RMP GA09- 100); partially within the Zone of Archaeological Potential/Zone of Notification; in proximity to two ACAs: Eyre Square and the City Core; in proximity to protected structures (9501-9505) St Brendan's Road and (3901) 17 Eyre Square: a thatched cottage.
- St Brendan's Avenue contains three 150-200 year old farming cottages, which are currently uninhabited but not derelict. Two out of the three historic structures are planned for demolition in the proposed development.
- Chapter 8 of the CDP refers to the importance of historic structures.
- The site lies within an area of historic & traditional local agriculture and trade. Formerly known as 'The Suckeen/Sickeen' with a recorded history since the mid 17th century. Copies of the Royal Irish Academy Irish Historic Towns Atlas for Galway are supplied.
- The site lies within the historic Woodquay area, which is made up of infilled marshland known as 'The Suckeen/Sickeen' and of three river islands where people have lived for 3,000 years. A copy of a painting from 1850 is provided as well as historic photographs.
- The historic use of the site for milking cows is referred to. Cows would be driven from grazing lands at Headford Road up or down St Brendan's Avenue, formerly Sickeen Lane, milked and the milk sold to the townspeople; the cows were then herded back to the fields and this process was repeated a second time each day. Despite not being protected, the vernacular heritage of the buildings is equally important.
- The evolution of this area, shown in the copies of the maps from the Royal Irish Academy Irish Historic Towns Atlas for Galway, is described. The cottages here pre-date the prevailing 2 storey / 2 bay 100+ year old terraced housing.
- Chaotic car parking in the area and lack of appropriate car-parking regime, despite objectives in three successive development plans, is referred to. The road is too narrow for parking both sides. There are 50 on-street spaces for

102 dwellings with permits, excluding visitors. The road is known for cheap parking with easy access to Eyre Square.

- Due to the tight allocation of car parking spaces, it is difficult for elderly or disabled residents to gain access from their vehicle or taxi, to their home.
- The footpath is in disrepair and therefore difficult and dangerous to use.
- Due to on-street parking, access for fire tender services / emergency services, is difficult.
- The nuisance caused by vomit, urine, broken bottles etc and on-street drinking has caused many older, long-term residents to move away. They state that 238 transient residents outnumber 21 long-term residents. The environment does not encourage families to settle in the area.
- While the height scale and mass of the units fronting St Brendan's Ave mirror the adjacent mid-90's / early 00's 3 storey blocks, these non-integrative precedents do not reflect or adhere to planning policies in the current Development Plan. The proposed design does not reinforce the prevailing townscape of traditional architecture on St Brendan's Ave.
- There is insufficient rationale given for a return to unsustainable building design, form and height of the mid 90's.
- With a second planning application lodged for apartment development at No 47 St Brendan's Ave it is crucial that poor precedents are not set.
- Listed contraventions: Chapter 10 aim, Chapter 10 area based plans, Chapter 10 – quality of life -10.2, Chapter 10 – 10.7 specific objective, Chapter 11 – zoning, Chapter 8 – 8.7; Sustainable neighbourhood concept, Chapter 2 – 2.1 aim, context and strategy, Chapter 2 – 2.4 housing and sustainable neighbourhoods, Chapter 2 policy 2.4, Chapter 2 – section 2.8 table, Chapter 2 – policy 2.8, Chapter 1 – section 1.2, goals 1, 5 and 7, and Chapter 1 – section 1.2 strategic vision.
- They question the use of the private laneway owned by the Corrib Shopping Centre.

- The current restrictive accessibility of St Brendan's Ave and the lack of any provision from the private laneway owned by the Corrib Shopping Centre is contrary to the Building Regulations and TGD pertaining to fire safety standards. Table 5.2 of Technical Guidance Document is referred to.
- Copies of correspondence between the City Council and the other third party Woodquay Residents Association, are attached to the grounds.
- Copies of maps from the Royal Irish Academy, Irish Historic Towns Atlas for Galway, are attached to the grounds.

6.6. Applicant Response

6.6.1. McCarthy Keville O'Sullivan, Planning & Environmental Consultants, have responded on behalf of the first party to the grounds of appeal. The response includes:

- They summarise the issues raised as the alleged material contravention of the plan; prematurity in the absence of civic and environmental improvements; and fire safety / vehicular access.
- Re material contravention:
 - Integration with the established character of the area and the amendment submitted in response to the further information request to avoid overlooking are referred to.
 - Height – the proposed development fronting St Brendan's Ave has a ridge height of 21.1 m. The adjacent apartment development has a ridge height of 18.29 m and Corrib Shopping Centre a ridge height of 31.8 m. It is considered to be in keeping with the wider area.
 - A range of house types, sizes and tenures – there is an adequate mix of units. Units range from 50.3 sq m to 105.3 sq m: 7 x1 bed, 7 x 2 bed and 5 x 3 bed, an expansive range for a relatively small brownfield site. It complies with Section 8.7 of the CDP.
 - Built heritage - The site does not contain any protected structure and is not within an ACA of Zone of Archaeological importance. The file was referred

to the Heritage Officer and DAHRRG, who raised no issues. The applicants are satisfied to comply with condition 4 of the decision re pre-development archaeological testing. The development complies with Section 8.4 of the CDP.

- Re Prematurity:
 - Scheme for civic improvements – the development represents a vast improvement on the current streetscape, and will assist in rejuvenating the Woodquay area. A residential development on zoned centrally located land is not the appropriate forum for the grievances aired. They disagree that the development will impact on the traditional characteristics and historic fabric of the area.
 - They refer to the National Framework Plan and the desirability of having high density development in urban cores.
 - The proposed development will contribute to the social and civic amenity of the surrounding area. The buildings are grouped around a courtyard and all balconies face onto the courtyard. The main entrance accesses directly into the central courtyard. This provides excellent passive supervision over the communal open space and the entrance / exit routes. Deck access and balconies ensure that the buildings are stepped back at first floor level which allows maximum amount of light to penetrate the courtyard. The courtyard is an attractive amenity area that has regard to the public realm of the overall area.
 - The proposed development is not premature.
- Re concerns about Traffic & Safety
 - Car parks and amenities are within 2-5 minutes walk. No car parking is proposed. Bicycle parking racks are proposed. The footprint of the building does not extend further into St Brendan's Ave than the existing buildings. The proposed development will not create accessibility issues for the fire service or exacerbate any existing issues. The CFO and Roads Section raised no issues.

- Re RoW, the existence of a RoW was demonstrated in the response to the FI request. It is proposed as a secondary access.

6.7. Planning Authority Response

6.7.1. The Planning Authority has responded to the grounds of appeal, which includes:

- The issues raised in the appeals have been given due regard in the planning assessment.
- The site is not within an ACA and does not incorporate any protected structure.
- Figure 8.12 of the development plan, which is not a scaled map, has been updated by the National Monuments Service. This area is not located in a zone of notification.
- Article 28 of the Planning and Development Regulations was not considered to apply.
- The development exceeds guideline standards.
- The development represents a sustainable form of residential development.
- It does not represent pre-mature development or a material contravention of the GCDP.

6.8. Further Responses

6.8.1. An Taisce have responded to the grounds of appeal of the Woodquay Residents Association, agreeing with and supporting Woodquay Residents Association in relation to the issues raised. They request the Board to note that no architectural conservation assessment report, by a qualified conservation architect, is on file.

6.8.2. They note that the height comparison made, is only with the apartment / hostel complex, built in the mid 90's, prior to the last 3 development plans which encourage more sympathetic urban development form in historic distinctive neighbourhoods. The prevailing streetscape on both sides of St Brendan's Ave is of 2 storey 2 bay terraced dwellings.

- 6.8.3. The correspondence between Woodquay Residents Association and Galway City Council shows contravention of key principle 10 of the Planning Policy Statement 2015 (Dept of Environment, Community and Local Government).
- 6.8.4. Re Quality of life issues - they refer to on-going detrimental issues in St Brendan's Ave (such as anti social behaviour against residents and vandalism to properties). Quality of life rights are protected under national and regional legislation, the city development plan and the European Convention of Human Rights Act 2003, Protocol 1, Articles 8 & 1.
- 6.8.5. No proof was submitted re the RoW.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, environmental impact assessment, material contravention of the Galway City Development Plan 2017-2023, the principle of the development, building height, traffic safety, archaeology and built heritage, impact on residential amenities, and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

7.3. Environmental Impact Assessment

- 7.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.4. Material Contravention of the Galway City Development Plan 2017-2023

- 7.4.1. Material contravention of the development plan is stated as a grounds of appeal. The planning authority did not invoke the provisions of Section 34 (6) of the Planning and Development Acts and therefore did not consider the development to materially contravene the development plan. An Taisce list the provisions of the development plan which are stated to be contravened. The planning authority in response states that the proposed development does not represent a material contravention of the GCDP. The development plan provisions referred to are general and many refer to wide areas rather than prescriptive with reference to this site and therefore the proposed development does materially contravene the development plan.

7.5. Principle of the Development

- 7.5.1. This area has been zoned for residential development 'which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'. In my opinion the proposed development of a brown field site in a suitably zoned, centrally located area, for 19 apartment units, (ie. approx. 161 per ha), is acceptable in principle.

7.6. Impact on the character of the residential area

- 7.6.1. Many of the issues raised in both appeals relate to impact on the character of the area. It is stated that the development is premature pending implementation of objectives in the GCDP regarding civic and environmental improvements to the area, and consultation and community engagement regarding the necessary improvements. Related concerns are change in the nature of the population in this inner-city community. It is stated that a transient population, including use of premises for Airbnb is increasing, and the long-term resident population is decreasing. The pressure of on-street parking, due to its lower cost relative to other parking locations and the accessibility of the street to the city centre, is stated to be compounded by the lack of any parking restriction to facilitate access to houses.
- 7.6.2. These are reasonable concerns. It seems a reasonable request that there would be follow through on the stated objective to engage with the community and address on-

street parking and other concerns, in order to support residential use in such a centrally located residential area.

- 7.6.3. In relation to on-street parking, the development plan proposes a public realm strategy, embracing a shared plan approach which would include defined goals and targets to enhance the management and use of public realm, and co-ordinate with the Galway Transport Strategy (GTS) which includes a range of measures to improve the quality and experience of the city environment, in particular increased opportunities to re-allocate road space for public transport, walking and cycling, to reduce traffic movements in the city centre and reduce on street car parking.
- 7.6.4. On-street parking pressure on this street and the difficulty it gives rise to in accessing residences is amenable to regulation.
- 7.6.5. It is stated that the proposed development is premature pending consultation, amenity improvements, or measures directed at on street parking regulation. I do not agree with this contention. Amenity improvements and on street parking are not directly impacted by the proposed development.
- 7.6.6. The subject development proposes no on-site parking. In this regard it is supported by the development plan which sets a maximum standard for residential parking and acknowledges that in certain circumstances a reduction in car parking standards may be considered. It is further supported by the Sustainable Urban Housing Design Standards for New Apartment Guidelines which states that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The proposed development is higher density apartment development, in a central location well served by public transport and therefore the omission of car-parking is appropriate.
- 7.6.7. Regarding concerns about the increase in transient use of residential premises and decrease in the long-term resident population, the proposal provides for a range of house types, many with own door access. There is nothing in the proposal to suggest that the development would favour transient use rather than long stay residents.

- 7.6.8. No concern has been raised in relation to overshadowing, overlooking or other direct impact.
- 7.6.9. In relation to the residential amenities of future residents of the development, each unit is provided with private outdoor amenity space and a small communal amenity area, and most units are dual aspect. I would draw the Board's attention to units 12 to 15 which are in Block 3. These units address the communal area to the front and their front access is at ground level. Their rear elevation faces areas termed terraces to the east where the ground level is to be reduced by almost 2m relative to the adjoining ground which is the service access to Corrib Shopping Centre, adjoining to the east. The site boundary at this location is formed by a c2m high wall, which increases the height of wall (retaining wall with boundary wall above) which will form the outlook for these units. The outdoor amenity space of these units is accessed from the bedroom. Although not the ideal relationship to an amenity area, it means that the average daylight factor (ADF) required for the adjoining room is 1% which is less than that required for a kitchen or living room. No measurement of the daylight available to these bedrooms was supplied with the application, or requested. It is worth noting that the glazed areas (glazed double doors and side panels) in these rooms is very extensive and therefore it appears likely that the required ADF is achievable. Sunlight availability diagrams for the outdoor space associated with these units were not supplied with the application, or requested. Although surrounded by high walls the space will enjoy a southern aspect and it therefore appears that a reasonable level of residential amenity will be provided.
- 7.6.10. In my opinion there will be no adverse impact on the character of the residential area and reasonable levels of residential amenity will be provided for future residents. Residential amenity should not be a reason to refuse permission.

7.7. Archaeology and Built Heritage

- 7.7.1. Concern is expressed at the loss of built heritage. The proposed development involves the demolition of very old buildings which are vernacular buildings associated with cultural heritage which third parties value.
- 7.7.2. The maps from the Historic Town Atlas and the recent history of this site, as documented in the appeals, show the importance of this area in Galway's evolution

and the great change that has taken place here in the relatively recent past. However, the buildings on site are not protected structures, and no intention has been signalled to include them on the record of protected structures, therefore there is no reason to refuse their demolition. It is considered that a reasonable that a record of these buildings be made prior to their demolition.

- 7.7.3. The argument is made by the planning authority that the zone of notification in respect of the historic town of Galway has been revised since the development plan, (i.e. figure 8.12), was drawn up and that this area is no longer within a zone of notification. Nonetheless the file was referred by the planning authority to the DAHG, although no observations were received.
- 7.7.4. This is clearly an historic area and some of the buildings or parts of the buildings are likely to include historic fabric.
- 7.7.5. The site has potential for archaeological material to be present. Condition 4 of the planning authority's decision is an acknowledgement of this fact.
- 7.7.6. I consider that the issue of archaeology and built heritage can be adequately addressed by conditions requiring the presence of an archaeologist on site during the demolition of the buildings and during site excavation.

7.8. Access for Emergency Vehicles / Fire Safety

- 7.8.1. The grounds of appeal refers to difficulty currently experienced in relation to access for emergency vehicles and concerns that the proposed development will similarly experience difficulty and that the proposed development will compound the problem. This is a related issue to that of on-street parking, rather than any issue with regard to the width of the street, in fact the proposed development will improve the width of the street by setting back the building line to the line established by development to either side, a setback of almost 1m over the entire site frontage. Access for emergency vehicles / fire safety should not be a reason to refuse permission.

7.9. Other Issues

- 7.9.1. Refuse storage was referred to in the request for additional information. The response states that the proposal provides for 6 x 1100 litre bins; the standard

required is 3 bins for 10 units, which is compliant. Units 1 to 4 have terraces and have direct access to the courtyard and it is proposed these units can store 3 x 240 litre bins. This would further reduce the requirement on the communal bins which would serve 15 units. The position of the bin store is screened from public view on the ground floor and central to the scheme and the apartments. They propose larger openings to access the bin stores and to enhance the ease of entry to the bins. The planning authority, dissatisfied with the response, has attached a condition to the decision, which states that storage of refuse bins is not permitted within the terrace areas or to the front of unit 10. In my opinion this issue can be addressed by condition.

- 7.9.2. Bicycle storage – it is proposed to provide one bicycle storage space per unit; 6 units to the ground floor have direct access to the terrace from St Brendan’s Avenue, to store 2 or more cycles; there are 13 no. cycle spaces situated within the central courtyard on ground floor to facilitate the remainder of the units. The Sustainable Urban Housing Design Standards for New Apartment Guidelines requires the provision of cycle storage at a rate of 1 space per bedroom (35 bedrooms) and 1 space per 2 apartments for visitor parking. This gives a requirement of 44 spaces. It is considered that this provision can be accommodated by reconfiguring the layout which currently includes a considerable amount of access pathway, in excess of that required.

Development Charges – The first party has not appealed the conditions requiring payment of Development Charges. The €148,124 levy is a S48 charge. An additional €40,000 has been attached by condition 3 towards the provision of public and sustainable transport facilities. This is stated to be based on the omission of on-site car parking from the development and the Development Contribution Scheme is referred to, and the scheme makes reference to such a contribution. While the Development Contribution Scheme refers to ‘a contribution in lieu of car parking provision’, no details are provided as to how the contribution should be calculated, and no details have been provided as to how the contribution was calculated in this case. It is considered therefore that this condition should be omitted.

Management of the apartments - the Multi-Unit Developments Act 2011 revised and updated to 30 November 2016, controls the management of apartment developments.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed development of a brownfield city centre site, where disused and derelict land and buildings will be replaced by 19 residential apartments, within an area zoned for residential use, will supply centrally located housing which can avail of sustainable modes of transport, will not unduly impact on the amenities of adjoining residential properties; and will, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

10.0 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 18th 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 agreed in writing with the Planning Authority prior to construction commencing on site.

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

3. Prior to the commencement of development on site, the applicants shall submit, for the prior written consent of 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 cycle parking/storage spaces, which shall be secure, 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 St Brendan's Avenue.
 - h) Details of any required re-organisation of on-street parking and road markings.
 - 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. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank,

to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Galway City Council, including roads, open spaces, car parking spaces, public lighting sewers and drains, and

to secure the satisfactory completion of services/infrastructure until taken in charge by a Management Company or by the local authority, of roads, open spaces, car parking spaces, public lighting sewers and drains, and

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: In the interest of traffic safety and the proper planning and sustainable development of the area

11. The developer shall pay to the planning authority a financial contribution of €148,124 (one hundred and forty eight thousand one hundred and twenty four euro) 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. The application of any indexation required by this condition 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.

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.

Planning Inspector

29th November 2018

Appendix 1 Photographs

Appendix 2 Extracts from the Galway City Council Development Plan 2017-2023

Appendix 3 Extracts from Sustainable Urban Housing Design Standards for New Apartment Guidelines.

Appendix 4 Extracts from the National Planning Framework - Ireland 2040 - Our Plan.