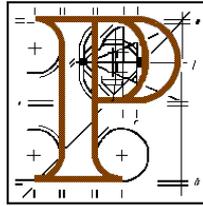


# An Bord Pleanála



## Inspector's Report

**PL 61 246079**

**DEVELOPMENT:**

Development of Student Accommodation Facilities comprising: 429 bed spaces in 57 units in five, four and three storey blocks with courtyards, pedestrian and vehicular access via the existing Corrib Village entrance road, communal areas, services and facilities including landscaping and boundary treatment, links to the campus network and signage.

**LOCATION**

Northern Campus, National University of Ireland, Galway. Upper Newcastle Road, Galway.

**PLANNING APPLICATION**

**Planning Authority:**

Galway City Council.

**P. A. Reg. Ref:**

15/221

**Applicant:**

National University of Ireland, Galway.

**Decision:**

Grant Permission.

**APPEALS**

**Third Party Appellant**

Michael and Tara Tobin and Others

**Observers:**

None.

**Inspector:**

Jane Dennehy.

**Date of Inspection:**

13<sup>th</sup> April, 2016.

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The site location is within the townland of Dangan on the northern campus of NUIG on lands to the west side of “Corrib Village”, the existing student accommodation on the campus. The rear boundaries and gardens of residential properties on Upper Newcastle Road adjoin the western side boundary. The recently constructed Science Research Building and Life Science Buildings are located on lands to the north of the site and a Park and Ride facility/carpark, (five hundred spaces) and bus terminus are located to the northern side of these buildings.
- 1.2 The stated area of the site is 1.35 hectares and it is formed from undeveloped lands part of which is under hard standing and in use as a temporary carpark. There are trees and hedgerows along the perimeter and east west across the centre and the remainder of the coverage includes include meadowland, semi-natural dry grasslands and scrublands and a strip of bare ground or track parallel to the western boundary.
- 1.3 Access to the site is off a main entrance onto the Upper Newcastle Road and this entrance serves the northern campus road linking the park and ride facility the recently constructed buildings the existing student accommodation at Corrib Village and some sports and recreational facilities. The NUIG campus has a restricted configuration, being confined and linear extending outwards and northwards along west side of the Corrib from the city.
- 1.4 There is a 300 mm diam. foul sewer which traverses the north of the site connecting to the 525 mm diam. foul sewer to the east and through Corrib Village. There is a 300 mm diam. storm sewer serving the tarmac surfaced carpark which is connected to the 1050 mm diam. public storm sewer on the east side of the site. Storm water in the remainder of the site filtrates through the ground.

## 2. PLANNING HISTORY:

- 2.1 The relevant planning history for the northern campus and the Corrib Student Village lands at the NUIG campus can be outlined as follows:

**P. A. Reg. Ref. 89/820:** This is the original grant of planning permission planning for 109 student apartments and staff housing. This was the initial Corrib Village development.

**P. A. Reg. Refs.91/848 and 92/213.** Permission was granted for additional student accommodation at the Corrib Village.

**P. A. Reg. Ref. 03/410:** The planning authority decision to grant Permission for further student accommodation development including

social and commercial buildings, tennis courts and roads and services was upheld following appeal. The grant of permission was not taken up.

**P. A. Reg. Ref. 04/475:** Permission was granted for the park and ride facility on the northern NUIG campus with access from the entrance to the Corrib Village.

**PL 61 232557/P. A. Reg. Ref. 08/539:** The planning authority decision to grant Permission for a residential development of forty units to NUIG was overturned following a third party Appeal. The reason for refusal related to conflict with the designation and zoning of the lands according to the development plan for institutional use for the future use of the university facilitating the long term strategic development of the campus.

**P. A. Reg. Ref. 09/133:** Permission was granted for the four storey Science Research building with access from the Corrib Village Access Road.

**P. A. Reg. Ref. 11/121:** Permission was granted for the three and four storey Life Course Studies Building and associated development with access of the Newcastle Road through the access road to Corrib Village.

### 3 **STATUTORY PLANNING FRAMEWORK.**

#### 3.1 **The Western Regional Planning Guidelines.**

The City is designated as a national gateway and regional centre. The role of education is regarded as a key component in achieving regional competitiveness at a national and international level. The goals for the city provide for expansion, accessibility of facilities and support for linkage between institutions and industry.

3.2 **The Galway City Development Plan, 2011-2017.** The NUIG campus including the Corrib Village Student Accommodation is subject to the zoning objective: "CF": *To provide for and facilitate the sustainable development of community, cultural and institutional use and development of infrastructure for the benefit of citizens of the city*. (There is a similar ("CF") zoning objective in the draft development plan which includes provision for additional uses that are allied to, or with an established supporting relationship with the primary use on the lands in NUIG and GMIT campuses such as collaboration with industry and student accommodation.)

3.3 Sections 1.6, 5.1 and 6.4 provides for support and consolidation for the long term future and sustainable expansion opportunities and infrastructural support for NUIG and GMIT. This includes provision for

sufficient lands for improvement, establishment or expansion of facilities within the city.

- 3.4 **Guidelines on Residential Developments for 3<sup>rd</sup> Level Students.** 1999.<sup>1</sup> Department of Education and Science. Guidelines on minimum, spatial requirements and internal layout of units are set out in sections 6-10. (A copy is on file.)

#### 4 **THE PLANNING APPLICATION.**

- 4.1 The application lodged with the planning authority indicate proposals for an on campus student accommodation development. It comprises 429 bed spaces in 57 units in five, four and three storey blocks with courtyards. It includes proposals for pedestrian and vehicular access via the existing Corrib Village entrance road, communal areas, services and facilities including landscaping and boundary treatment, links to the campus network and signage. The proposed development is the first of a two phase on campus accommodation development fulfilling the University's Strategic Plan 2015-2020 strategic plan objective for the addition of nine hundred on campus bed spaces in on campus student accommodation prior to 2020.
- 4.2 The planning authority issued a request for fifteen items of additional information on 9<sup>th</sup> October, 2016 relating to roads, access, parking, services, noise impact, security and management, trees landscaping, site layout and design and external finishes. A response from the applicant's agent was received on 24<sup>th</sup> November, 2016.
- 4.3 The application and additional information submissions include a planning report, (revised) design statement (revised) landscape reports, schedules and plans, Engineering reports, Traffic and Transport Assessment report, archaeological test trenching reports, noise impact evaluation, (revised), and Acoustic Report site lighting design statement, a sustainability report, an ecological impact assessment and Natura Impact Statement.
- 4.4 The proposed development is in seventy six, six, five and four bed units with shared living and dining spaces and nine accessible apartments at ground floor level in four blocks. These blocks and the main associated elements of the development are described below.
- Block A, the main block is a five storey block on a north south axis which faces onto a main campus route provided for in the campus masterplan. A part brick finish, deeply recessed vertical windows and grey zinc cladding and some light sand coloured feature elements for Block A are the main material features indicated.

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<sup>1</sup> The Guidelines were issued to provide information on requirements relating Section 50 Financial incentive scheme introduced by the Department of Finance.

- Blocks B, C and D are three 'finger' four storey blocks stepping down to three storeys in an east west axis to the west side of Block A. The gable ends of the east west blocks are positioned circa eleven metres from the western side boundary adjoining the residential properties on Upper Newcastle Road. Dense tree planting on berms is shown in the landscaping scheme in this area and at the western edge of the courtyards and a (north – south) maintenance access road is shown along the western boundary.
- Courtyards/Open Space: The finger blocks enclose two hard and soft landscaped courtyards. The larger is referred to as a “Quad courtyard”. The second smaller one is a private courtyard for residents. Pedestrian circulation using existing and proposed routes is prioritised in the landscaping scheme and tactile surfacing is used for parking. The lighting scheme uses low wattage technology and high quality fixtures and is supplemented for security with CCTV.
- Entrance and Access: The entrance will be at the intersection of the new masterplan route along the eastern frontage of Block A and the existing Corrib Village Road off which main reception lobby and meeting point area, service entrances and storage are provided. The access points are located at the eastern northern and southern boundaries of the blocks and courtyard space and at night time is to be controlled by fob key. The application and additional information submissions include a planning report, (revised) design statement (revised) Landscape reports, schedules and plans, Engineering reports, Traffic and Transport Assessment report, archaeological test trenching reports, noise studies and impact assessment reports site lighting standards statement, an ecological impact assessment and Natura Impact Statement.
- Parking serving the development is based at the park and ride scheme, supplemented by four disability spaces adjacent to the buildings. (Provision is equivalent to five percent of the seventy six spaces as per the development plan residential requirement, forty three spaces being required at one space per ten students.) Two hundred covered cycle spaces with courtyard access to Block C are included. Swept path analysis drawings are included to indicate suitability of services accesses.
- Storm Drainage is designed to SUDS standards and includes attenuation prior to disposal to the existing public storm sewer to the east of the site. Permeable paving is to be provided and the existing storm sewer traversing the carpark on the site is to be removed. Foul drainage is to be disposed to the existing public sewer by gravity. Water supply is to be draw from the existing 200 mm diam. main via a plant in Block A and distributed throughout the development.

#### 4.4 **Technical Reports.**

- The report of Irish Water indicates no objection subject to standard conditions.
- The internal report of the Drainage Section indicates no objection subject to standard conditions.
- The report of the Recreation and Amenity Department indicate no objection subject to conditions.
- The original report of the Planning and Transportation Department contains a recommendation for a request for multiple item additional information relating to [parking capacity, auto track analysis, cycle parking and technical details) The supplementary report indicated acceptance of the proposals and information in the further information submission subject to conditions.
- The supplementary report of the Planning and Transportation Department indicates no objection subject to conditions which are of a standard nature.
- The Department of Arts, Heritage and the Gaeltacht Parks and Wildlife Service indicates the planning authority's responsibility to establish that the proposed development will not impact on the Lough Corrib European Site (Code 297) It is recommended that ecological mitigation proposed in the NIS be strictly adhered to in relation to lighting, landscaping, invasive species and in any other relevant respects.

4.5 Third party objections were received from residents of Upper Newcastle Road in which issues raised relate to design, density, overshadowing and overlooking property value, transport parking and traffic, noise and amenity and issues relating to strategic planning and the campus layout at NUIG and to public consultation.

#### 5. **DECISION OF THE PLANNING AUTHORITY.**

6.1 By Order dated, 21<sup>st</sup> December, 2015 the planning authority decided to grant permission for the proposed development subject conditions. Most of which are of a standard nature.

- Condition 2 contains a requirement for preparation of a Waste Management Plan for the Construction and Demolition Waste and for hours of operation to be restricted to 0800 hrs to 1800 hrs Mondays to Fridays and 0800 hrs to 1300 hrs on Saturdays.

- Condition No 4 contains a requirement for the mitigation in the NIS (Chapter4) to be fully implemented and certified to the planning authority has been implemented prior to occupation.
- Condition No 7 excludes insertion of additional windows to those shown in the application on any elevation and excludes access to the flat roofs of “cut out” sections other than for maintenance purposes.
- Condition No 8 contains requirements for:
- Condition 11 (b) contains a requirement for a detailed construction traffic management plan to be submitted and agreed with the planning authority.
- Condition No 14 restricts the use of the development to use for student accommodation with the exception of the summer temporary accommodation period.

## 6. THE APPEAL

6.1 An Appeal was received from Liam Tobin on behalf of Michael and Tara Tobin of No. 48 Upper Castle Road and residents of thirteen properties on Upper Newcastle Road, who have signed an attached sheet on 26<sup>th</sup> January, 2016. Also attached is a print out of advertising of summer rental accommodation at Corrib Village from the internet and a copy of Galway City Council night time Noise survey levels. It is stated that the back garden of No 48 is approximately fifty metres from the southern corner of the site and some of the other properties are in closer proximity.

6.2 The appeal grounds can be outlined as follows:

- The concerns of residents were not fully taken into account and critically considered in the assessment of the proposed development at application stage. Analysis of the locations for phases of development and implications of the Master Plan (for the campus) was not sought from or approved by the planning authority.
- Critical appraisal is required to establish whether it is reasonable for such a high density residential complex to be located adjacent to the existing houses as there is a large volume of campus land available. The need to use the proposed site location should be considered and analysed by external independent expertise. The 4,000 student accommodation units could be located northwards along the Corrib River bank.

- A public meeting with residents was held a few weeks prior to lodgement of the application and there was no opportunity for residents to indicate preferences for laboratories and office buildings to be located on the subject lands so as to minimise night time disturbance. Daytime use university buildings should have been provided for in the first phase of the masterplan as a “buffer strip”. A delay of one year in order to allow the university to “get its Masterplan right” is not significant”. The University could be proud of an arrangement for buffer buildings between the student accommodation and existing houses.
- In spite of the findings in the applicant’s acoustic consultant’s studies, noise from student and holiday let accommodation will be audible and can be sharp and irritating as distinct from traffic noise when traffic noise is quite. The development will add to the discomfort of the adjoining residential properties especially rear bedrooms.
- Residents have advised that noise on the adjoining road is low to non-existing at night and that is possible to sleep with windows open at night. The Council’s night time noise survey demonstrate that traffic noise at night at the rear wall of the houses is less than 40 dBa. Without engaging required expertise it is not possible to refute the measurements of the applicant’s consultants for noise projections at the rear of the residential properties.
- The developer has let the existing Corrib Village accommodation of 772 beds to tourists without a grant of planning permission. Letting of the additional proposed 429 beds to visitors as low cost hostel type accommodation from 20<sup>th</sup> May to 20<sup>th</sup> August will occur as well as letting incidental to the university use such as letting to conference attendees. The accommodation letting would be absorbed as an extension to the unauthorised holiday letting of Corrib Village accommodation advertised as Summer Accommodation. (A print out is included as appendix 3 of the appeal)
- If permission is granted for the proposed development to a total of 1,200 rooms will be available and if the masterplan is implemented the total will be 4,000. This cannot be dismissed as incidental to the university use of the accommodation. The impact of holiday visitors’ lettings as distinct from student accommodation letting was not considered in the planning officer report.
- The grant of permission for the conversion of the old Montrose Hotel to 190 student accommodation and holiday let units has a condition attached that limits the use to student accommodation only at all times of the year. (PL 241957 refers) It allows for use in relation to seminars summer schools and university related

events without creating a ghetto of budget accommodation for commercial gain. It is requested that a similar condition be attached if permission is granted.

- There is serious risk of significant noise, annoyance, visual pollution and nuisance from car parking in summer time during holiday letting.

## **7. RESPONSE TO THE APPEAL BY THE APPLICANT.**

7.1 A submission was received from McCarthy Keville O'Sullivan on behalf of the applicant on 23<sup>rd</sup> February, 2016. In the covering letter the urgent need for the project is stressed on grounds that shortages of student accommodation in the city is detrimental to the university and the city. Attached in appendices are copies of "Student Housing Demand Study" NUIG, June, 2014 (JLL and AERCOM, a Technical Note on Noise Impact Evaluation and Noise Impact Evaluation Allegro Acoustics.) originally included in the further information submission. In the introductory paragraphs it is stated that:

- Strategic planning has been essential at NUIG and it is stressed in published strategic plan details that a well-planned, coherent, unified, connected and sustainable campus is of strategic importance and central to the success of the university, city and region. The Strategic Plan provides for increased quality and quality of on campus accommodation through construction of 900 bed spaces in two phases. The "2010 Masterplan", (which has followed on from the 1977 and 1995 Masterplans) reflects well thought out strategic decisions on location of new facilities on the campus.
- Need for the proposed development is due to reductions in available private rental accommodation and insufficient supply on campus which totals 764 bedspaces at present. The deficiency influences university's competitiveness both on international student and undergraduate student markets. (Reference is made to a Student Housing Demand Study commissioned by the university.)
- Regional and local core and settlement strategies recognise and support the role of third level institutions. (Details and extracts are provided in the submission.)

7.2 The submission includes an account of the planning application, the assessment of the issues raised in the third party objections and the decision of the planning authority. It is stated that revisions were made to building height, separation distances from the western boundary and additional enhanced acoustic provisions including a landscaped berm and acoustic fence to address overlooking, noise and visual impact concerns following consultation with the third parties.

7.3 Three distinct appeal issues are identified in the submission. They are:

Strategic Planning – Campus Masterplan

Noise Impact – Residential Amenity

Summer Time Holiday Letting.

7.4 These appeal grounds are refuted as outlined below:

Strategic Planning – Campus Masterplan:

- NUIG has had campus masterplans since 1977 which have guided the university's development while adhering to the strategic objectives of the university. The masterplans are internal guidance framework plans and are not statutory plans. There is an objective to add 900 bed spaces by 2020 and there is no reference to 4,000 on campus bed spaces in the current (2010) masterplan. The relevant statutory development plan is the Galway City Development Plan and the proposed development complies with the "CF" zoning objective for the university lands.

Noise Impact – Residential Amenity:

- The specific noise assessments for prediction of night time noise impact on the rear residential properties on Upper Newcastle indicate a level of 41dB LAeq. (The City Council Noise contour mapping suggests a level marginally below or at 45dB LAeq at night time.)
- The worst case scenarios which were and evaluated included chatter in the courtyards, shouting in the courtyards, open windows with internal music at a high volume. Using SoundPLAN environmental noise modelling software and assuming the proposed three metre earth berm and 2.5 metre acoustic fence are in place the highest level predicted was 32dB LAeq which is 9 db LAeq less than the prevailing 41 dB LAeq at the rear of the Upper Newcastle Residences. The worst case scenario tested was a situation of a party with loud music playing through open windows onto the courtyard. This indicates a prediction of a noise level of 32dB for the worst case scenario at 9 dB below the existing noise level at night time at the rear of the properties. So the impact is negligible in the context of existing night time noise.

Summer Time Holiday Letting:

- The existing accommodation at Corrib Village is not part of the application and has the benefit of a grant of permission under P. A. Reg. Ref. 820/89. No conditions precluding the holiday let use.

- The development proposed will be used between mid May and Mid August for conference delegates, international summer school students and holiday visitors between mid-May and September. Holiday letting is incidental to this primary use of the proposed development and financial viability of the accommodation depends on year round usage. (Limiting the use to student accommodation would leave the development vacant for four months which is contrary to sustainable development principles.)
- It is the intention of the university by reason of the location on campus existing student accommodation to ensure good management in relation to noise and disturbance. There will be direct university management, with a 24/7 management and security presence providing restricted access and sole use for student accommodation from early September to mid May. The proposal provides for a high quality accommodation resource (or conferences, student visitors and tourists) close to the city which is a key strategy of the current city development plan.
- The condition attached to the grant of permission for student accommodation at the former Montrose Hotel limits use to student accommodation in order to prevent unauthorised development such as use as budget hotel. The disused Montrose is 'off campus', is close to residential property and the UCD campus and the applicant was a private company. There is a legitimate concern for which the conditions were attached.
- The applicant for the current proposal is NUIG and there is no intention to alter the buildings to provide budget accommodation or a budget hotel. The conditions attached to the decision demonstrate that any change requires a grant of planning permission.

## **8. OBSERVATIONS ON THE APPEAL BY THE PLANNING AUTHORITY.**

8.1 A submission was received from the planning authority on 24<sup>th</sup> February, 2016 in which any suggestion is to lack of sufficient critical appraisal by the planning authority is rejected. An outline summary follows:

- With regard to NUIG master planning it is stated that the applicant did not propose any alternative location, including the preferred of the appellants.
- The planning authority has discretion regarding support of the masterplan and must consider whether a development proposal complies with development plans. The proposed development minimises impact on adjoining residential properties and accords

with the development plan (CF) zoning objective with teaching buildings and policies 1.6, 5.1 ad 6.4 of the development plan. The shortage and growing demand for on campus accommodation is acknowledged by the planning authority, modern accommodation is part of third level institution facilities.

- The planning authority is satisfied that the residential amenities for adjoining properties are protected from noise impact. It will be further reduced by the acoustic screen to be mounted on the three metre earth bund.
- The planning authority is satisfied that it has been clarified in detail that the protocols of the Corrib Village will be extend to the proposed development for on site security and management on a 24/7 basis.
- With regard to summer season letting the specific comparison with the permission granted for student accommodation at the former Montrose Hotel is noted. It is not part of a campus and The zoning objective for the Montrose site is; ('A') to protect and improve residential amenity whereas the current proposal forms part of the campus and residents have a legitimate expectation that development is for university related purposes on the land. The zoning objective allows for the proposed substantial development. It is designed to integrate with campus development and to mitigate impact on surrounding residents.

## **9. APPLICANT'S COMMENTS ON THE OBSERVATIONS OF THE PLANNING AUTHORITY.**

- 9.1 A submission was received from McCarthy, Keville O'Sullivan on behalf the applicant on 14<sup>th</sup> March, 2016. The full support of the planning authority as reflected in the statements in the submission and the satisfaction of the planning authority with respect to the issues raised in the appeal and consistent with the development plan's relevant policy and objectives is acknowledged.

## **10. FURTHER SUBMISSION OF THE APPELLANT.**

- 10.1 A submission was received from Liam Tobin on behalf of the appellants on 24<sup>th</sup> March, 2016 in which comments on the observations of the applicant and the observations of the planning authority and the appeal grounds are reiterated. The observations are outlined below:

- It is acknowledged that the Masterplan is not a statutory plan but it guides site selection processes.

- The application should be considered *de novo* and not in the context of the college's masterplan. The college has a lot of available lands.
- No policies allow for a very high intensity of accommodation on the campus and for the selection of the sensitive location, (adjacent to the properties on Newcastle Road Upper) where a buffer zone – in which day-time use buildings could be located should be created. Student accommodation should be located more than one hundred metres from residential development. The college has a lot of available land.
- Loss of amenity due to noise impact will occur. The planning authority could have assessed the appropriateness of the SoundPlan Model used to support the conclusion that noise impact will be negligible. The Allegro Acoustic report emphasises that its conclusions are dependent on the berm landscaping and acoustic fence operating successfully and this is not a reliable guarantee. Traffic will not drown out the noise from the accommodation. The type of noise generated by student of summer letting accommodation is very different from traffic noise. The planning authority's response is not reassuring.
- The University's Strategic Plan 2015-2020 does not indicate the location planned for further additional student accommodation but the residents believe the location for further accommodation is to be to the south/south east. Residents will have similar concerns and the current application would set precedent.
- The applicants have avoided confirmation as to numbers of bed spaces overall to be provided. The appellants estimate by extrapolation from the Masterplan provision of about 4,000 units over the long term on the campus.
- The summer time holiday letting for three months is not compatible with the zoning objective for institutional use at the university. The unauthorised use of the existing accommodation should not be used as precedent.
- There is no evidence that financial viability of the scheme depends on the summer holiday lettings. If a summer holiday village is required by the city, an objective for it should be in the development plan.

## 11. FURTHER SUBMISSION OF THE APPELLANT.

- 11.1 A further submission was received from Liam Tobin on behalf of the appellants on 11<sup>th</sup> May, 2016 following circulation of the Campus Masterplan for NUIG which was circulated by the Board to the parties.

In the submission reference is made to meetings between the college representatives and residents, to objections about some of aspects proposals within the masterplan and comments about difficulties experienced in obtaining the details about location of various developments on university lands in the masterplans. Concern is also expressed about the role and use of a non-statutory masterplan to guide development and lack of consultation with and opportunity for residents of adjoining properties to contribute to the decision making process.

## 12. **EVALUATION.**

- 12.1 The overriding issue central to the appeal by the occupants of adjoining properties on Newcastle Road Upper is as to potential adverse impact on residential amenity and property value in respect of the following areas of concern are considered below:

Strategic Planning Issues.

Nature of the Proposed Development and the Statutory Development Plan Zoning Objective.

Impact on Residential Amenities and value of Properties on Upper Newcastle Road.

Visual Impact and Overlooking.

Noise Impact.

Summer Short Term Letting.

## 12.2 **Strategic Planning Issues.**

With regard to Campus Masterplans it is noted that NUIG commissioned Scott Tallon Walker to draw up a master plan for the campus the original of which was published in 1977 and renewed with modifications in 1995 and again, by Tony Reddy and Associates and this Masterplan was approved by NUIG's Governing Body in 2008. Based on the information available in correspondence dated, 20<sup>th</sup> April, 2016, no later campus masterplan has been approved by the Governing Body or is in operation. References to a later date have been noted in some of the information on the file.

- 12.3 It must be borne in mind, as submitted on behalf of the applicant that the campus masterplan approved by the Governing Body has no statutory public or legislative basis in the planning framework. The plan and any public consultation provided for in preparation is a matter for NUIG which is not under any statutory requirement to engage with or take into account views and objections of third parties including adjoining landowners. The function of the planning authority is to provide for the

management of existing and future development accordance with requirements of statutory planning framework such as the city development plan in the interest of proper planning and sustainable development. There is no mandatory requirement for the NUIG or its agents to engage in public consultation but it is good planning practice.

- 12.4 The 'CF' land use zoning objective in the development plan for the campus allows for both student accommodation and teaching research buildings both of which are university related buildings to be permitted in principle. It is not accepted a teaching/laboratory or research building is necessarily a more appropriate and compatible development at the location adjacent to the rear of the properties of the appellant parties on Newcastle Road Upper. The application and development proposal before the Board and therefore the remit of the Board is to adjudicate on the proposed student housing development which is in principle acceptable having regard to the zoning objective.

**12.5 Nature of the Proposed Development and the Statutory Development Plan Zoning Objective.**

The proposed development is first of a two phases of NUIG's planned development providing for an additional nine hundred student housing bed spaces on campus grounds. Details of the proposals for the second phase are not available although the appellant party suggests that it would be to the south of the appeal site. This information is desirable as it enables comprehensive overview of the overall integration of the various elements of existing and future on campus accommodation, itself and with the whole university campus and neighbouring land uses. It is not accepted that consideration of the current application is precluded although the argument as to the piecemeal nature of application is not unreasonable,

- 12.6 There is in principle, no conflict with the current development plan zoning objective, (CF) which provides for the encouragement and support of university activities which is inclusive of on campus student accommodation facilities. High intensity student accommodation generally is characteristic of institutional residential development in which occupancy is also relatively transient. However it is considered that any presupposition significant interference with the amenities of established residential areas occurring to anti social behaviour or excessive intensity of campus student accommodation complex would lack foundation. Subject to good quality design, layout and management, no pre-supposition or concern as to adverse implications for the amenities or value of residential properties on lands in third party ownership on adjoining lands should arise. To this end, on campus student accommodation complex are generally relatively quiet and any potential disturbances or nuisance can quickly attended to by management.

- 12.7 The proposed location is adjacent to the existing 1990s constructed student accommodation, (764 bed spaces) to the east which, as stated in the appeal is somewhat dated. The restricted configuration, being confined and linear extending outwards and northwards along west side of the Corrib from the city is a constraint for campus master planning. Clustering of the on campus residential element within the campus in this area is appropriate and acceptable and beneficial with regard to a sense of place, provision and availability of support services and facilities, management, security and transport and amenity for the occupants.
- 12.8 Based on review of the floor plans the accommodation is consistent with the minimum spatial standards in internal layout and design for room sizes, circulation, storage and range and extent of accommodation and facilities having regard to the recommendations in “*Guidelines on Residential Developments for 3<sup>rd</sup> Level Students*”. (Department of Education and Science, 1999)

**12.9 Impact on Residential Amenities and value of Properties on Upper Newcastle Road.**

Visual Impact and Overlooking.

The ground and floor levels of the houses on the Newcastle Road Upper frontage are elevated above the level of the site towards which the rear gardens are relatively steeply downwardly sloped. The higher line of vision from the rear elevation windows does give rise to increased awareness of an adjoining development and sense of exposure to it. The adequacy of screening at the rear boundaries of many of these properties is relatively limited and the elevated ground and upper floor levels of the houses.

- 12.10 However, it is considered that the revised proposals for the transitional area at the edge of the site adjacent to these boundaries providing for the maintenance route and densely planted berms, (described as a defensive landscape zone in the design statement) are very effective screening measure by way of enclosure. Separation is further enhanced by the north south secured boundary along the inner side of the scheme. The scheme design is effective in directing the scheme inwards towards the principle access road onto which the main block and its entrances and reception and services areas are directed and in the east west axis of the three finger blocks which overlook the courtyards and have blank gable ends which are stepped down from four to three floors and a separation distance of eleven metres from the western boundary. These design elements more than adequately ameliorate any sense of obtrusive impact on the adjoining properties by mass, scale, height or direct overlooking.
- 12.11 A more than satisfactory sense of enclosure of the site within the campus, and landscaping to the transitional space adjacent to the

boundary clearly distinguishes and separates the student accommodation, which by its nature is intensive development from the adjoining residential properties. A wall or high quality fence along the western boundary to increase orderliness and uniformity the common boundary but it is not considered to be an essential requirement of the applicant in view of the berm planting.

#### 12.12 Noise Impact.

Differences in the characteristics of different noise sources in terms of the nature and extent of impact by disturbance, annoyance and irritation on occupants of a residential property are acknowledged in technical and scientific studies. It is fully recognised that there is clear difference between traffic noise and potential noise from an institutional residential facility such as student of summer holiday accommodation as discussed in the appeal are fully acknowledged and are acknowledged.

12.13 It is considered that there is no strong basis for rejection of the conclusions reached in technical reports and information relied upon by both the applicant and by the planning authority and that the additional mitigation proposed in the further information submission providing for the acoustic berm and screen along with additional tree planting are more than sufficient. The scheme design to this end is commendable. It provides for the location of the activities that give rise to potential noise disturbance, such as the main entrance lobby and services entrances at the front of the main block and for a north south facing fenestration and enclosed courtyards between the finger blocks as opposed to orientation towards the residential properties to the west.

#### 12.14 **Summer Short Term Letting.**

Summer time holiday letting of on campus accommodation along with letting to conference delegates and others associated with the university is common international practice and consistent with sustainable development interests. This combination of letting some of which is and some of which is not directly associated with the university arrangements would occur for about a quarter of a year. Overall it is reasonable to assume that the majority of the occupancy over a year long period has a direct connection with the university. The minor holiday letting element has little connection with university related activities but not to an extent that would support any contention that the proposed development would be in material conflict with the zoning objective for the university campus lands.

12.15 The planning status of the holiday letting element of the existing student accommodation has not been investigated and clarified. Details of this proposed use during summer months may have been mentioned in the application and subsequently not omitted from the grant of permission by condition or otherwise.

- 12.16 In the current application the intention to provide for an element of holiday letting to tourists as well as to conference delegates and others is clearly indicated in the application documentation. There is a clear distinction between on campus accommodation managed by the university itself of an agent and off-site student accommodation facilities which may be suited for conversion to a budget tourist hotel. The inclusion of the condition omitting such change of use to this end with regard to the conversion of the Montrose Hotel opposite the UCD campus is justified. It is not essential in the case of on campus accommodation at NUIG but for reassurance and clarity an appropriate condition can be attached.
- 12.17 It is accepted that demand for on campus parking generated by the proposed development would be higher during the summer months when the development is occupied by conference delegates and summer holiday visitors. The increase, from a baseline of almost no traffic and parking generation would not be significant and it would appear that the road network, entrance would have sufficient capacity and that the parking demand can be accommodated at a park and ride facility at which use by staff and students is reduced during summer months. The city cycle scheme would be of benefit students during the academic year and in the summer to tourists and individuals visiting the university.
- 12.18 It is agreed with the appellant, that any argument as to dependency on summer letting to ensure the viability of the scheme cannot be taken into account as a material consideration.

### **13 CONCLUSION AND RECOMMENDATION.**

- 13.1 The scheme is an intensive student accommodation scheme that is directed away from the western boundary and contained with a main focus at front of the Block A and north south between the finger blocks across the courtyards within the university campus. In addition to the design mitigation within the scheme the separation and amelioration by way of the landscaping measures incorporating the secure fencing and acoustic screen, berm and tree planting, adjacent to the adjacent to the western boundary more than adequately addresses any potential for negative impact on the amenities of the adjoining residential properties. This is further ensured by management and control of the scheme. The proposed scheme in conjunction with the existing scheme is acceptable.
- 13.2 Any possible future applications for further development of student accommodation will be considered on its own merits particularly with regard to design and layout and to intensity of development. There are no issues arising from the scheme design and layout that would suggest that potential for or against future additional development which would be considered on its own merits would be compromised.

13.3 It is recommended that the planning authority decision be upheld and that permission be granted.

**14. APPROPRIATE ASSESSMENT SCREENING.**

14.1 The application includes a comprehensive Natura Impact Statement (NIS) prepared by the applicant's agent which has been consulted for reference purposes in conducting the appropriate assessment screening.

14.2 Four Special Areas of Conservation (SAC) and three Special Protection Areas (SPA) are within 15 kilometres of the site location are identified. They are:

- The Lough Corrib SAC (000297) Sixty five metres.
- The Galway Bay Complex SAC (000368) 1.9 kilometres
- The Connemara Bog Complex SAC (002034) 11.5 kilometres
- The Ross Lake and Woods SAC (001312) 12.2 kilometres
- Lough Corrib SPA (004042) 1.6 kilometres
- Inner Galway SPA (004042) 2.1 kilometres
- Creganna Marsh SPA (004142) 9.4 kilometres.

14.3 The site location is within the townland of Dangan which is adjacent to the west side of the River Corrib within the NUIG campus. It is formed from part undeveloped lands under grass and hard standing (in use as a temporary carpark) and there are trees and hedgerows which include meadowland, semi-natural dry grasslands and scrublands and a strip of bare ground. It does not come within any European sites but it is sixty five metres from the edge of the Lough Corrib SAC. (Site Code (000297.)

14.4 The proposed development is a residential institutional development within the university campus in an established residential area north of the city centre. The development is to be connected to the public mains water supply and surface water supplemented by attenuation and foul water is to be disposed for treatment and disposal using to the existing public sewers. At present storm water on the southern portion of the site filtrates through the ground. Owing to the proximity of the Lough Corrib SAC it can be concluded that the proposed development could potentially affect the Lough Corrib SAC whereas it is concluded that there is no potential for adverse risk to the other named European sites within fifteen kilometres.

14.5 The Lough Corrib SAC has fourteen Annex 1 Habitats six of which are priority habitats nine Annex 2 species including the Otter and Lesser Horseshoe bat and several qualifying interests. The generic conservation objectives for the SAC are to: 'maintain or to restore the favourable conservation condition of the Annex I habitats and Annex II

species for which the SAC has been selected' as provided for in the conservation objectives. The main threats to the site are that of diminution of the water quality.

- 14.6 Desk research of recent survey work, field survey work was conducted which provides for evidence based scientific knowledge and details of the results and analysis are contained in the NIS provided with the application.
- 14.7 According to the NIS a small area is a calcareous grass land patch in an area of circa 548 square metres within the site which is over a thin layer of soil over a rocky limestone outcrop is a habitat included on the Annex 1 Habitats. (6210) An orchid population is confined to 134 square metres within this area.
- 14.8 However the habitat lacks the positive indicator species and habitat quality necessary for favourable conservation status for Annex 1 Habitats because the habitat decreases rapidly over a transitional area into dry meadow and grass verge. It lacks the positive indicator species for fulfilment of the requirement for favourable conservation status as per the EU 28 2013 and the habitat quality decreases rapidly over a transitional area into non axed dry meadows and grass verge. The habitat fragment is on thin soil over limestone rocky outcrops confined to the mapped area in the NIS.
- 14.9 It is an Annex 1 habitat which does not fulfil the requirement for favourable conservation status as per EU 28 2013 because it does not host a rich suite of orchid species or a population of at least one species not considered common on the national territory or several rare, very rare or exceptional orchid species on national territory.
- 13.9 There are no surface water features within the site which would provide suitable habitat for the otter, a QI for the SAC. No Annex II/IV/V species were recorded and there was no evidence of their presence during site visits. There is no suitable habitat for aquatic species in the site.
- 14.10 Evidence of the Lesser Horseshoe Bat was not recorded on detector surveys carried out during summer 2015. There is no evidence of roosting bats or suitable buildings and trees for roosting. Potential pathway impacts design mitigation will block are namely, disturbance, fragmentation and habitat loss.
- 14.11 Removal of hedgerows, copses and scrub trees is limited along the boundaries and periphery of the site, a potential habitat and supplementary planting (north to south) will be undertaken. Any potential concern with regard to lighting can be addressed by adherence to the standards that minimise spillage set out in Lighting Statement of Design appended to NIS which is in accordance with UK Bat Conservation Trust Standards. The conservation status would be unaffected by the project at both construction and operational stages.

- 14.12 There is no likely potential additional cumulative impact on the conservation status of the species by of the proposed development when considered in conjunction with other developments which include sports facilities, fencing lighting and peripheral vegetation on the campus where connectivity is maintained and there is no fragmentation of bat habitat subject to best practice.
- 14.13 The potential pathways for potential impacts on qualifying interests and special Conservation Interests included direct impact and potential pathways for indirect impacts by species disturbance, habitat loss and fragmentation. They pathways are blocked in the design to avoid potential adverse significant impact via the pathway. There is no potential for direct or indirect negative impact on Annex 1 habitat is or for reduction in habitats supporting Annex II populations. Potential pathways for impact are blocked through good design, best practice and the works involve little disturbance or disruption during construction and operation stages.
- 14.14 It is concluded that the proposed development either individually or in combination with other plans and projects is not likely to have significant effects on the Lough Corrib SAC (0000297) in view of the Conservation Objectives or any other European site. Stage 2 Appropriate Assessment would therefore not be required.

## DECISION

**Grant Permission on the Basis of the Reasons and Considerations Below:**

### REASONS AND CONSIDERATIONS.

Having regard to the location of the site within the university grounds which are subject to the zoning objective: CF: *“To provide for and facilitate the sustainable development of community, cultural and institutional use and development of infrastructure for the benefit of citizens of the city”* in the Galway City Development Plan, 2011-2017 to the layout and design the limited short term holiday letting element in combination with short term letting in connection with the university related activities during the summer months, and to the on campus management provision, it is considered that the proposed development would not be in material conflict with the zoning objective, would not be seriously injurious to residential amenities of adjoining properties on Newcastle Road Upper and would not depreciate the value of these properties by reason of overbearing impact, excessive intensity of development, overlooking, noise disturbance and excessive demand for parking. The proposed development would therefore be in accordance with to the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 17<sup>th</sup> August, 2015 and 24<sup>th</sup> July, 2015 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. The use of the development shall be confined to use as accommodation for students enrolled at NUI Galway between 1<sup>st</sup> September and 15<sup>th</sup> May each year and to use for conference delegates, short term stay student accommodation and holiday letting between 15<sup>th</sup> May and 1<sup>st</sup> September each year. It shall not be sublet or sold to third parties or used as hotel or hostel accommodation.

**Reason:** In the interest of clarity, regarding the the scope of the use as on campus student accommodation.

3. The use of the two courtyards shall be confined to use by occupants of the student accommodation. Access to the roofs and cut out sections of the blocks shall be confined to use for repair and maintenance purposes only.

**Reason:** In the interest of the amenities of the campus accommodation and the amenities of adjoining residential development.

4. The noise level as measured at the nearest dwelling following occupation of the student accommodation shall not exceed an  $L_{AeqT}$  value of 50 dB(A) during the period 0800 to 2200 hours and an  $L_{AeqT}$  value of 40 dB(A) at any other time.

All sound measurement shall be in accordance with ISO Recommendation R 1996 “*Assessment of Noise with respect of Community Response*” as amended by ISO Recommendations R 1996 1, 2 or 3 “*Description and Measurement of Environmental Noise*” as applicable.

**Reason:** In the interest of clarity and the amenities of adjoining residential development.

5. Site development and building works shall be carried only out between 08.00 hrs and 18.00 hrs Mondays to Fridays excluding bank holidays and, 08.00 hrs and 13.00 hrs on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of residential amenities of adjoining properties.

6. Notwithstanding the provisions of the *Planning and Development Regulations, 2001*, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be

visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and orderly development.

7. Notwithstanding the provisions of the *Planning and Development Regulations, 2001*, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

8. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration. Samples shall be displayed on site to facilitate the planning authority.

**Reason:** In the interest of visual amenity, clarity and orderly development.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of clarity, orderly development and amenity.

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

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

11. All landscaping, including the acoustic berms, acoustic security fence, screen planting, outdoor seating, street furniture lighting and hard and soft landscaping shall be carried out in accordance with the details submitted to the planning authority prior to the occupation of the development. Any tree and plants which fail shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The works shall be carried out under the direction of a suitably qualified landscape architect on behalf of the applicant. On completion of the landscaping scheme including the erection of the acoustic security fence the applicant shall submit and agree in writing a certificate of completion of the landscaping works with the planning authority.

**Reason:** In the interest of clarity, visual and recreational amenity.

12. Public lighting shall be provided in accordance with a scheme to include lighting in the courtyards and along pedestrian routes details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of the applicant. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for future maintenance and orderly development in the interest of clarity.

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

**Reason:** In the interests of residential amenity and proper waste management.

15. 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.

**JANE DENNEHY**  
**Senior Planning Inspector**  
**19<sup>th</sup> May, 2016.**