



An
Bord
Pleanála

Board Direction
BD-005817-20
ABP-306403-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- (a) the location of the site in relation to the National University of Ireland Galway and the available facilities for movement between them by sustainable modes of travel;
- (b) the National Planning Framework and the National Student Accommodation Strategy issued by the Minister for Education and Science in July 2017
- (c) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018
- (d) the Regional Spatial and Economic Strategy for the Northern and Western Region adopted in 2020
- (e) the policies and objectives of the Galway City Development Plan 2017 – 2023 including the zoning of the site and sections 2.6, 11.29 and 11.32 of that plan; and
- (f) the pattern of existing development in the area;

it is considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing character of the area; would not seriously injure the residential amenities of properties in the vicinity; would provide a reasonable standard of amenity for its occupants; would not injure the cultural and natural heritage of the area; and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Special Area of Conservation at Lough Corrib site code 000297, the Special Area of Conservation at the Galway Bay Complex site code 000268 and the Special Protection Area for Inner Galway Bay site code 004031, taking into account the nature, scale and location of the proposed development, the information submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the development that is authorised by this permission would not be likely to have a significant effect on the above European Sites or on any other European Site in view of the sites' conservation objectives, either individually or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment is not required.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the

agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Cluster no. 7 on the ground floor of Block B shall be omitted and the resulting space shall be used to provide a refuse store and sheltered bicycle storage to accommodate a minimum of 230 bicycles. The permitted development therefore comprises 248 bedspaces in 37 clusters.
 - (b) The proposed refuse store on the north-eastern site boundary shall be omitted from the development
 - (c) 20 Sheffield stands for bicycle parking shall be provided at outdoor locations through the development. All the other bicycle stands proposed on the open green spaces shall be omitted.
 - (d) The public footpath and pedestrian priority shall continue across the proposed main access to the development and across the secondary access to the Coolough Road.
 - (e) No structures shall be erected or no screen planting shall be carried out on the part of the site between the end of the proposed running track and the head of the cul-de-sac at Crestwood in the south-eastern corner of the site.
- Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity, road safety and cultural heritage

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall ensure that -

- (a) A 20 metre buffer, delineated by suitable secure fencing, shall be established between the development and the external perimeter of Sites and Monument Record number GA082-096 Mass Rock, prior to commencement of any development within the site,
- (b) no grounds works for the erection of buildings, landscaping or boundary works shall take place within the 20 metres buffer zone,
- (c) the planning authority is notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (d) a suitably-qualified archaeologist is employed who shall monitor all site investigations and other excavation works, and
- (e) arrangements, acceptable to the planning authority, are provided for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site

4. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

5. The proposed development shall be implemented as follows:

(a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application

(b) Student House Units shall not be amalgamated or combined.

Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

6. Prior to commencement of development a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority.

Reason: In the interest of local heritage.

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

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

8. 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 residential amenities of property in the vicinity and the visual amenities of the area.

9. Full details of all signs associated with the overall scheme and individual blocks shall be submitted to, and agreed in writing with, the planning authority prior to their erection on site.

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

10. The site shall be fully landscaped in accordance with the submitted landscape plans within the first planting season following completion of the development, except for works and planting within the exclusion zone required under conditions 2 and 3 above in the south-eastern corner of the site.

Reason: In the interest of the visual and residential amenities of the area.

11. No access to the roof areas other than for maintenance shall be permitted.

Reason: In the interest of the residential amenity of adjoining properties.

12. 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.

Reason: In the interest of public health.

13. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health

14. Prior to the commencement of development, a mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use the following shall be submitted to, and agreed in writing with, the planning authority:

Reason: To support sustainable travel.

15. 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, construction traffic management and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

16. A plan containing details for the management of waste (and, in particular, recyclable materials) 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) in line with the requirement of condition 2 above 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 interest of residential amenity, and to ensure the provision of adequate refuse storage.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to improve the junction of the Dyke Road and Coolough Road and the footpaths on the Dyke Road as described in the Road Safety Audit submitted with the application. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. Alternatively the developer may carry out these works at its own expense in accordance with the specifications of the planning authority and those set out in DMURS which shall *inter alia* reduce the

corner radii at the junction of the Dyke Road and Coolough Road to no more than 6 metres.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

18. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member

Date: 26/05/2020

Michelle Fagan