

An
Bord
Pleanála

Board Direction
BD-017587-24
ABP-319927-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/09/2024.

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

The Board, having had regard to

- (a) the site's location on lands with a zoning objective for 'R' and 'RA', and objective provisions in the Galway City Development Plan 2023 – 2029 in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2023-2029 and appendices contained therein,
- (c) the Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities (2024),
- (d) Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- (e) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (f) to the pattern of existing and permitted development in the area,
- (g) to the submissions and observations received, and

(h) to the report and recommendation of the Planning Inspector,

considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development 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-Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than the Lough Corrib Special Area of Conservation (Site Code 000297), which is the European Site for which likelihood of significant effects could not be ruled out.

Appropriate Assessment-Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on the Lough Corrib Special Area of Conservation (Site Code 000297) in view of the site's

Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal,
- (c) the conservation objectives for the European sites, and
- (d) the report of the Planning Inspector.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the conservation objectives of the site. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Board completed an Environmental Impact Assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and(iv), as amended,
- the location of the site on lands governed by zoning objective 'R' Residential and 'RA' Recreation and Amenity in the Galway City Development Plan 2023-2029, and the results of the strategic environmental assessment of the Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the existing use on the site and pattern of development in surrounding area,
- the planning history relating to the site,
- the availability of mains water and wastewater services to serve the proposed development, and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would provide an acceptable form of residential amenity for future occupants and would, therefore, be in accordance with the proper planning and sustainable development for 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 received by the planning authority on the 19th day of April 2024, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission ABP 306403-20 unless the conditions set out hereunder specify otherwise. For clarity, this permission shall expire on the date of expiration of the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. Prior to the commencement of development full details of the heat pump proposal and associated screening shall be submitted for the written agreement of the planning authority. For clarity the screened area shall be no greater than that shown on drawing reference number 2049.LRD.103 Rev A, submitted to the planning authority on the 19th day of April 2024.

No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further planning application.

Reason: In the interest of visual amenity.

4. 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 the Sites and Monument Record number GA082-096 Mass Rock, prior to commencement of any development within the site,
- (b) no grounds work for the erection of buildings, landscaping or boundary works shall take place within the 20-metre 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.

5. 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.

6. 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 interest of the amenities of occupiers of the units and surrounding properties.

7. 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. All signage on site shall be bilingual (Irish and English).

Reason: In the interest of local heritage.

8. 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.

9. 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 area identified under condition 4(e) and within the buffer zone required under condition 4 in the south-eastern corner of the site.

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

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

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

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

12. The streets and junctions that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2019.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

13. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Prior to the submission to the planning authority, the CEMP shall be reviewed by a Hydrologist and Ecologist to ensure that mitigation measures recommended in the Natura Impact Statement and Hydrogeology assessments are included in the final working document submitted to the eventual contractor.

A hydrogeologist will be engaged during the construction phase to ensure appropriate implementation of mitigation measures and for regular site inspections during the construction phase.

Reason: In the interest to protect groundwater.

14. 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 noise management measures and construction traffic management.

Prior to the commencement of development, the developer shall carry out a full dilapidation survey of all neighbouring properties. The results of the survey shall be held on file and made available to all parties when/as required as set out in the Construction Management Plan.

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

15. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented including engagement of a Hydrogeologist during the construction stage.

Reason: To protect the integrity of European Sites.

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 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. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for

waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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 the Design Manual for Urban Roads and Streets which shall, inter alia, reduce the corner

radii at the junction of the Dyke Road and Coolough Road to no more than six 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.


20. 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.

Note. The Board noted Section 11.30 Student Accommodation, of the Galway City Development Plan requirement that at least 10% of bed spaces in student accommodation shall be designed for students with disabilities. The Board considered as this is an amending application that includes 9 additional bedrooms, and it is proposed that the number of accessible bedrooms is to be increased by 8

bedrooms, that in this instance the provision of accessible rooms does not contravene the County Development Plan.

Board Member



Mary Henchy

Date: 25/09/2024