

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway City

Planning Register Reference Number: 15/221

An Bord Pleanála Reference Number: PL 61.246079

APPEAL by Michael and Tara Tobin care of Liam Tobin of 9 Princeton, Clonskeagh, Dublin against the decision made on the 21st day of December, 2015 by Galway City Council to grant subject to conditions a permission to the National University of Ireland Galway care of McCarthy Keville O'Sullivan Limited of Block 1, Galway Financial services Centre, Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development of new student accommodation facilities. The proposed development will comprise 429 number bedspaces, generally arranged in 57 units of six en-suite bedrooms, 11 units of five en-suite bedrooms and eight units of four en-suite bedrooms, with communal living areas in each unit. Further communal areas and facilities, ancillary office/reception accommodation, internal plant/service rooms, refuse storage and covered cycle storage facilities are also provided to serve the entire development. The development will be in one number five-storey block and three number three and four-storey blocks, with associated courtyards, pedestrian access, vehicular access and drop-off/turning facilities, including bus shelter and parking facilities for the less mobile. Vehicular access to the development is via the existing Corrib Village access road. The development will include intensive site landscaping and boundary treatment, footpath links to Campus network, building signage, totem signage/sculpture, connections to services and all associated works. The proposed development will also be available for short-term visitor letting during the summer months at the National University of Ireland Galway, Northern Campus, Upper Newcastle Road, Galway.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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, and having regard to the layout and design of the proposed development, and to the nature of the development as providing for on-campus student accommodation within the overall university lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be in material conflict with the zoning objective, would not seriously injure the 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

Appropriate Assessment

The Board noted the report of the Inspector under the heading of Appropriate Assessment Screening. While the Board concurred with the Inspector that the proposed development would not be likely to have significant effects on other European sites, it did not agree with the Inspector that a Stage 2 Appropriate Assessment was not necessary in respect of the potential for impacts on the Lough Corrib Special Area of Conservation (site code number 000297), having regard to the close proximity of proposed development to this European site and to the potential pathways from the development, particularly during construction, to the European site. The Board had regard to the Natura Impact Statement submitted by the applicant as part of the planning application, including the mitigation measures proposed as part of the development, and the documentation submitted in this regard, and noted also the submission made to the planning authority by the Department of Arts, Heritage and the Gaeltacht of 16th September 2015. The Board carried out an Appropriate Assessment of the development, in the light of this information and documentation, and was satisfied that the proposed development, subject to compliance with the proposed mitigation measures, would not adversely affect the integrity of the Lough Corrib Special Area of Conservation (site code number 000297), in view of the site's conservation objectives.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of September 2015 and on the 24th day of November 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 the 1st day of September and the 15th day of May each year and to use for conference delegates and short term stay student accommodation between the 15th day of May and the 1st day of September only each year. It shall not be used for holiday letting, nor as hotel or hostel accommodation, without a separate grant of planning permission.

Reason: In the interest of clarity, and to delimit the proposed use of the permitted development to on-campus student accommodation, having regard to the potentially different impacts of use of the development for holiday letting.

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. All ecological mitigation measures set out in the Natura Impact Statement submitted with the application to the planning authority shall be fully implemented, and the developer shall certify in writing to the planning authority, prior to the first occupation of the proposed development, that these measures have been fully complied with during construction.

Reason: In the interest of safeguarding the ecological interests of the nearby European site.

5. The noise level as measured at the nearest dwelling following occupation of the student accommodation shall not exceed:-
 - (i) An LAeqT value of 50 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
 - (ii) An LAeqT value of 40 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

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 and 2 “Description and Measurement of Environmental Noise” as applicable.

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

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no 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 proposed buildings 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 and to permit the planning authority to assess any such development through the statutory planning process.

8. 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, other than that specifically included in the development description for the proposed development, including any solar panels, 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.

9. Prior to commencement of 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.

10. 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 off-site disposal of construction/demolition waste.

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

11. 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 interest of public safety and residential amenity.

12. All landscaping, including the proposed berms and acoustic fencing, 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 first 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. All of these works shall be carried out under the direction of a professionally qualified landscape architect on behalf of the developer. On completion of the landscaping scheme including the erection of the acoustic security fence, the developer 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.

13. 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.

14. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. 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 interest of amenity and public safety.

16. The management and maintenance of the proposed development, following completion, shall be the responsibility of the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, lighting, waste storage facilities and sanitary services, and for the continued retention and maintenance of the berm and acoustic fence along the boundary with adjoining residential development, shall be submitted to, and agreed in writing with, the planning authority prior to first occupation of the development.

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

17. 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 interest of residential amenity and proper waste management.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.