

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Register Reference Number: 16/40**

An Bord Pleanála Reference Number: PL 61.246807

**APPEAL** by Derek Allsop of 15 Grealishtown, Bohermore, Galway against the decision made on the 8<sup>th</sup> day of June, 2016 by Galway City Council to grant subject to conditions a permission to IVS Student Development Bohermore Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Redesign and change of use of existing vacant three-storey office building over basement carpark to provide a four-storey building over basement carpark. The proposed development will comprise 77 number professionally managed student and self-catering holiday apartment suites (comprising 65 number single suites, eight number twin suites and four number two-bed suites), together with all ancillary facilities including a reception area, social spaces and storage areas, associated signage, a roof terrace and plant area on the third floor and use of the existing basement parking provision (57 number car parking spaces and 63 number bicycle spaces). The development will include site landscaping and the provision of a new footpath link to the Sean Mulvoy Road. Vehicular access to the development is via the existing Bohermore access road. The suites will be specifically designed for use during the college semester by senior undergraduates, post-graduates and visiting academics and in the summer season by short-term tourist visitors. The total gross floor area of the building is increased from 2,257.06 square metres to 2,805.37 square metres, all at Sandyfort Business Centre, Bohermore (rear of Bohermore Filling Station), Galway. The proposed development was revised by further public notice received by the planning authority on the 13<sup>th</sup> day of May, 2016.

## 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 provisions of the Galway City Council Development Plan 2011-2017, to the nature and scale of the proposed development and to the existing mixed use pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not conflict with the visual amenities or character of the area, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with 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 the 28<sup>th</sup> day of April, 2016, 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 proposed development shall be amended as follows:-

The proposed roof terrace located in the south-west section of the proposed building shall be omitted, and the area thus released shall be developed as either a grass roof or used for the provision of further solar panels/cells. The area shall not be accessed except for maintenance purposes, and the proposed doors accessing this area shall be modified so that they can be used for maintenance purposes only, with no access being available to students or guests at any time.

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 interest of protecting the residential amenity of adjoining property.

3. The development hereby permitted shall be used solely for student accommodation, as indicated in the submitted application, except during the months of June, July and August only, when it may be used for the purpose of short-stay holiday accommodation. None of the units shall be let on a long-term basis (that is, beyond a duration of nine months in any calendar year).

**Reason:** In the interests of clarity and proper development, and in order to limit the use of the development to that applied for.

4. The proposed student and holiday accommodation shall be operated and managed in accordance with the "Management and Operations Plan", as submitted with the application on the 12<sup>th</sup> day of February 2016.

**Reason:** In the interest of protecting the residential amenity of adjoining property.

5. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external cladding for the proposed additional floor shall be dark-grey in colour only.

**Reason:** In the interest of visual amenity.

6. The provision of all signage on the exterior of the proposed development shall be the subject of a separate planning application. None of the signage at third floor level as indicated on the photomontage or 3-D views, shall be erected.

**Reason:** In the interest of visual amenity, and as it is considered that inadequate details of any proposed signage have been provided as part of the current application.

7. (a) All landscaping shall be carried out in accordance with the submitted landscape plan. The courtyard areas hereby approved, all screen planting, hard landscaping including features, benches, equipment and seats shall be carried out in accordance with the submitted landscaping proposals. The developer shall employ the services of a qualified arborist and landscape architect to oversee the landscaping works for the duration of the works. The developer shall be responsible for the full maintenance of all failed stock, for eighteen months from the date of certification that the landscaping works have been satisfactorily completed.
- (b) On completion of the landscaping scheme, the developer shall submit to the planning authority a certificate of completion confirming that the landscaping works have been satisfactorily carried out in accordance with the proposed landscaping scheme. Such works shall be carried out in advance of the occupation of the building hereby approved.

**Reason:** In the interests of visual and residential amenity.

8. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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 public safety and residential amenity.

11. 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:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. The developer shall implement the measures outlined in the Mobility Management Plan, as submitted on the 28<sup>th</sup> day of April 2016. A Mobility Manager shall be appointed to oversee, co-ordinate and implement the plan. Prior to the first occupation of the proposed development, the Mobility Manager shall liaise with the planning authority in relation to the implementation of the Mobility Management Plan, and agree measures by which all future tenants and holiday guests, and the staff employed in the development, comply with the measures set out in the Plan.

**Reason:** In the interests of encouraging the use of sustainable modes of transport, and of reducing the impact of the development on the surrounding road network.

13. 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.

14. 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, as amended, in respect of works proposed to the public roads and footpaths, outside of the site as recommended in the Mobility Management Plan (including the provision of “yellow box” road makings outside the ramp to the basement car park). 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.

**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.

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

**Dated this            day of            2016.**