

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Galway City

Planning Register Reference Number: 16/156

An Bord Pleanála Reference Number: PL 61.247406

APPEAL by Brian Conway of 372 Tirellan Heights, Headford Road, Galway against the decision made on the 16th day of September, 2016 by Galway City Council to grant subject to conditions a permission to CWC Webworks Limited care of John Fleming Architects of 103 Upper Leeson Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Permission for development for managed student accommodation totalling 5,731 square metres gross floor space on a site measuring 0.1766 hectares at Fairgreen Road, Galway. The proposed development comprises the construction of a five storey block above ground level (that is, six storeys in total) with levels 1-4 each measuring 1,287 square metres and level 5 measuring 400 square metres of managed student accommodation and associated facilities modifying/superseding previously permitted apartments under planning permission register reference number 13/306. The student accommodation will consist of 46 number units (ranging in size from one number to six number bed spaces) providing a total of 147 number bed spaces. Associated management services and communal facilities/areas will also be provided. The ground level comprises the extension of the existing Galway Coach Station and is to be constructed under planning permission planning register reference number 13/306 other than where modified by this proposal to facilitate the student accommodation - primarily including: the introduction of a ground floor entrance and waste collection area, a mezzanine level cycle parking and storage area, and a ground and mezzanine level escape corridor and stairs (measuring 183 square metres) and also comprises an internal/central landscaped courtyard, signage along Fairgreen Road, connections to services and utilities, necessary plant and equipment including roof level solar panels, and all other associated site development works above and below ground.

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 subject site within the city centre of Galway, to the pattern of development in the vicinity, and to the planning history of the site, and having regard to the provisions of the Galway City Development Plan 2017-2023 and to the nature and scale of the proposed development, which is specifically for managed student accommodation, 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 22nd day of August 2016, and the further particulars submitted on the 8th day of September 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 development hereby permitted shall be used solely for managed student accommodation, in accordance with, and subject to, the management policies as submitted with the application. It shall not be used for holiday letting, nor as hotel or hostel accommodation, without a prior and separate planning permission. It shall not be used as non-student residential accommodation.

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

3. 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.

Reason: In the interest of visual amenity.

4. Details of the proposed wall boundary treatment with “The Elms” shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed boundary shall be provided and completed prior to the first use of the proposed development.

Reason: In the interests of visual and residential amenity.

5. Details of the proposed sign on the front façade (to include details of materials and lettering size and wording) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The sign may be backlit but shall not be internally illuminated.

Reason: In the interest of visual amenity and to permit the planning authority to assess the quality of this sign, and its impact upon the streetscape, before erection.

6. Apart from the single sign referred to in condition 5 of this order, and 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 proposed 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 and to permit the planning authority to assess any such development through the statutory planning process.

7. Other than the solar panels shown on submitted drawings, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development not shown on submitted drawings shall take place at roof level, including any 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. Water supply and drainage arrangements, including the 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.

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. Prior to the commencement of development, the developer shall submit details of the full allocation of the car parking spaces associated with the previous residential development on the site (planning register reference numbers 04/872 and 13/306). This shall include the dedication of a number of spaces associated with the student accommodation hereby approved, with an allocation for disabled persons and shall ensure that the remaining spaces are used on a short stay basis to discourage commuter parking. The details shall include the charging and payment regime which shall be designed to facilitate short term parking.

Reason: In the interest of the proper planning and sustainable development of the area and to discourage commuter car parking in accordance with the transportation policies of the Galway City Development Plan 2017-2023.

13. Prior to the occupation of development, the developer shall submit final details to the planning authority for approval of the specific management regime, including noise protocols, for the student accommodation hereby approved and controlling access to the courtyard. These shall reflect the general parameters included in the details submitted on the 2nd day of June, 2016 and as amended by the further information received on the 22nd day of August, 2016.

Reason: In order to promote and facilitate cycling as a sustainable mode of transport.

14. Prior to the first occupation of the student accommodation, the 60 number cycle parking spaces shown on the revised plans submitted to the planning authority on the 22nd day of August, 2016 shall be provided and thereafter, shall be retained in situ for the duration of the student accommodation on site.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

15. Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority a landscaping and amenity scheme for the courtyard area. The scheme shall include details of the materials/planting for all hard and soft areas. The landscaping and amenity scheme shall be designed by a landscaping professional who has proven expertise in designing landscaping and amenity schemes over solid surfaces such as the concrete slab proposed. The approved scheme shall be completed prior to occupation of any of the student units. On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified Landscape Designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

Reason: In the interests of visual amenity and of the residential amenity of the proposed student occupants.

16. Details of the name of the development along with adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas and courtyard, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with the planning authority, before the student accommodation is made available for occupation. The management scheme shall undertake to ensure that the courtyard is accessible daily during the hours of daylight only.

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

17. 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.

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

Dated this day of 2017.