



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 17/121

Appeal by V.P. Motors Limited care of John Mooney and Company Limited of Lough Corrib House, 5 Waterside, Galway and by others against the decision made on the 7th day of December, 2017 by Galway City Council to grant subject to conditions a permission to Bonham Dock Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of a predominantly student accommodation scheme (circa 10,747 square metres gross floor area) provided in two number blocks sitting over a common ground floor level (consisting of a total of 345 number bedrooms) as follows:

Gross Floor Level: (circa 1,177 square metres) contains ancillary student accommodation space including flexible amenity areas such as reception area, common space/screening area, study area, fitness studio, internal secure bicycle parking (175 number spaces), refuse storage and recycling area, laundry room, plant (including Electricity Supply Board substation), this is also a commercial space/business start-up space addressing Queen Street (circa 161 square metres).

Block 1 (North): (circa 4,479 square metres) is a seven-storey building (above ground floor), located in the north-east part of the site containing 158 number bedrooms comprising: Level 1: 23 number bedrooms, Level 2 to 6: 115 number bedrooms in total and Level 7: 20 number bedrooms accessed from one number central core, all bedroom clusters with access to shared kitchen/living room, plant located within void of roof space (above Level 7), profiled roof and rooflights over voids.

Block 2 (South) (circa 5,091 square metres) is an eight-storey building (above ground floor), located in the south-west part of the site containing 187 number bedrooms comprising: Level 1: 12 number bedrooms and Levels 2 to 8: 175 number bedrooms in total accessed from one number central core, all bedroom clusters with access to shared kitchen/livingroom, profiled roof and rooflights over voids.

There are two landscaped gardens, the first located at Level 01 between Blocks 1 and 2 with access from the common area at ground floor level and a second the roof of Block 2, pedestrian, bicycle and vehicle access is from Queen Street with a one-way route operating around the perimeter of the building accessed from the northern corner of the site exiting under Block 2 via a double height void over ground floor and Level 01 back onto Queen Street. The proposed development includes the demolition of existing structures on the site (circa 506 square metres), all ancillary site development and landscape works, including proposed improvements to the existing public realm. All on a site (approximately 0.3 hectares) generally bounded by Queen Street to the west, United Methodist Presbyterian Church (Protected Structure - RPS Reference: 8201) to the north, old stable buildings (Protected Structure - RPS Reference: 8202) to the east and the former Topaz oil facility to the south, Galway City.

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 city centre location of the development, the pattern of development in the area, to the provisions of the Galway City Development Plan 2017-2023 and to the nature, scale, layout and design of the proposed development providing for managed student accommodation, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in an excessive density of development on the city centre site, would not seriously injure the visual or residential amenities of the area or of adjoining property, would be acceptable in terms of impact on the archaeological and cultural heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 10th day of November, 2017 and with the submissions made at the Oral Hearing, 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 planning application. Use for holiday letting shall be permitted only during academic holiday periods. The development shall not be used as hotel, apart-hotel or hostel accommodation, without a prior and separate grant of planning permission. The proposed development 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. 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:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, 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. Prior to commencement of development, the developer shall employ a suitably qualified archivist to provide a report recording the industrial heritage of the site. A copy of this shall be forwarded to the planning authority and made available for the archive section of the public library.

Reason: In order to conserve the archaeological and industrial heritage of the site.

5. All works adjacent to the protected structures shall be carried out under the supervision of an accredited Conservation Architect with specialised conservation expertise.

Reason: To ensure the authentic preservation of the protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. 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.

7. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. The internal road network serving the development shall be in accordance with the detailed standards of the planning authority for such works.

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

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the development is made available for occupation.

Reason: In the interests of public safety and visual amenity.

10. All plant/machinery shall be located within the buildings and shall not extend beyond roof level unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

11. 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.

12. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

13. 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, traffic management measures and off-site disposal of construction and demolition waste.

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

14. 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.

15. Prior to the occupation of the development, the developer shall submit to, and agree in writing with, the planning authority final details of the specific management regime for the student accommodation hereby approved.

Reason: In the interests of residential amenity and orderly development.

16. The development shall include a minimum of two professional pieces of civic artwork/features. The artwork shall be conceived and installed subject to the written agreement of the planning authority.

Reason: It is considered reasonable, given the scale and nature of the development that an appropriate provision for artworks associated with the development should be made.

17. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a landscaping and amenity scheme. The scheme shall include details of the materials/planting for all hard and soft areas. 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.

18. Details of the bilingual 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, 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.

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

19. 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.

Paul Hyde

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

Dated this day of 2018.