

An
Bord
Pleanála

Board Order ABP-313286-22

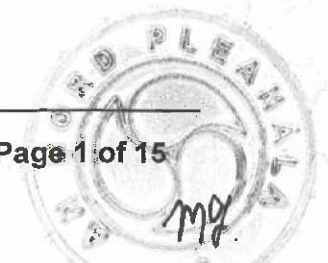
Planning and Development Acts 2000 to 2021

Planning Authority: Galway City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 12th day of April 2022 by Westside Shopping Centre Limited (as general partner acting on behalf of Westside Shopping Centre Development Limited Partnership) care of Thornton O'Connor Town Planning of No. 1 Kilmacud Road Upper, Dundrum, Dublin.

Proposed Development comprises of the following:

Construction of a Part One Number to Part Seven Number storey development (with roof level telecommunications infrastructure, plant and lift overruns over), comprising one number café unit with ancillary takeaway (circa 98 square metres) at ground floor level and 240 number student accommodation bedspaces with associated facilities, which will be utilised for short-term lets during student holiday periods. The 240 number bedspaces (including 12 number accessible units) are provided in 32 number clusters ranging in size from four number bedspaces to eight number bedspaces, and all clusters are served by a communal living, kitchen and dining room. The gross floor area of the development is circa 8,121 square metres and the gross floor space is circa 7,380 square metres.



The development also includes the relocation eastwards of the pedestrian access route in the car park from the Seamus Quirke Road to the Westside Shopping Centre; and the reorganisation of car parking spaces and internal roads to the north and west of the newly proposed student accommodation building including resurfacing of part of the car park's internal circulation road to a shared surface and the removal of 94 number existing car parking spaces from within the Westside Shopping Centre surface car park, resulting in a total of 238 number spaces remaining in the car park.

The development also provides internal communal student amenity spaces and support facilities; telecommunications infrastructure at roof level (18 number antennas and six number transmission dishes, all enclosed in nine number shrouds together with all associated equipment); bin store; bicycle parking; motorcycle parking; communal and public open space including a public plaza along the eastern boundary of the site; hard and soft landscaping; roof gardens; green and brown roofs; demolition of part of the boundary wall fronting onto Seamus Quirke Road and replacement with a plinth wall; boundary treatments; substation; comms room; plant; stores; lift overruns; and all associated works above and below ground. The developable site, which measures circa 0.26 hectares, is located in the south-eastern corner of the Westside Shopping Centre car park. The application site also includes the reorganisation of the surface car parking spaces and internal roads to the north and west of the developable site, which will incorporate an area of circa 0.21 hectares. An existing 1,050 millimetre diameter surface water sewer and an existing 450 millimetre diameter foul sewer will be diverted within the shopping centre car park to facilitate the development. Both diverted sewers will reconnect to the existing sewers under Seamus Quirke Road. The drainage works on Seamus Quirke Road will incorporate an area of circa 0.07 hectares. The developable site area, the reorganisation of car parking and internal roads, and the drainage works area will provide a total application site area of c. 0.54 hectares all located at Westside Shopping Centre, Seamus Quirke Road, Galway.



- (h) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended;
- (j) The provisions for the National Student Accommodation Strategy issued by the Department of Education in July 2017;
- (k) The provisions of the Telecommunications Antennae and Support Structures: Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in July 1996;
- (l) The availability in the area of a wide range of social and transport infrastructure;
- (m) The pattern of existing and permitted development in the area;
- (n) The Chief Executive's Report of Galway City Council;
- (o) The submissions and observations received;
- (p) The report and recommendation of the Planning Inspector.

It is 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.

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.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The location of the site on lands with a Zoning Objective CI where residential content such as student accommodation development is a compatible use, and the policy and objective provisions in the Galway City Development Plan 2017-2023 in respect of residential development;
- (b) The siting of the proposed development in an area which can adequately absorb the visual impact of this taller structure due to its siting on part of a surface car park fronting Seamus Quirke Road where there is currently no defined urban edge or any strong or defined architectural character in the area;
- (c) The nature, scale and design of the proposed development which is consistent with the provisions of the Galway City Development Plan 2017-2023 and appendices contained therein;
- (d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (f) The provisions of Project Ireland 2040 National Planning Framework which identifies the importance of compact growth;
- (g) The provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the site's Conservation Objectives.

The Board was 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 Lough Corrib Special Area of Conservation (Site Code: 000297), Galway Bay Complex Special Area of Conservation (Site Code: 000268) and Inner Galway Bay Special Protection Area (Site Code: 004031), or any other European site, in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

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, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended;
- (b) The existing use on the site and pattern of development in surrounding area;
- (c) The planning history relating to the site;
- (d) The availability of mains water and wastewater services to serve the proposed development;
- (e) The location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended;
- (f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003);
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction and Environmental Management Plan.

The Board 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. 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 interests of the amenities of occupiers of the units and surrounding properties.

3. Details of the proposed operational hours for the cafe shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. No additional development shall take place above roof parapet level apart from that specified in the development description and public notices, including 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 residential amenities of property in the vicinity and the visual amenities of the area.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping including boundary treatments, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

8. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interests of clarity and public health.

9. 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 and surface water management.

10. Proposals for the development name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. The following requirements of the planning authority in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (a) A Mobility Management Plan which addresses all of the uses within the proposal and the termtime and out of term use of the accommodation shall be submitted to and agreed with the planning authority.
 - (b) Provision of wider external door openings to the secure bicycle parking to facilitate separate inward and outward opening doors, relocation of accessible bicycle parking to nearer the external doors and provision of an internal door opening to bicycle parking from the communal area at ground floor.
 - (c) Findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit shall be agreed and discharged with the planning authority.
 - (d) Public lighting and all external lighting shall be agreed with the planning authority.

Reason: In the interests of traffic, cyclist and pedestrian safety.

12. Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interests of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

13. Prior to the commencement of development, the applicant shall consult with the Health Service Executive Aero-medical and Special Operations Section, Health Service Executive and Galway University Hospital in relation to implications for the safety of operations to/from the helipad. The applicant shall provide a minimum of 30 days notification to the Health Service Executive in advance of any crane operations on site and consult fully with regard to crane strategy and any obstacle lighting requirements.

Reason: In the interest of air traffic safety.

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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) Location of areas for construction site offices and staff facilities,
 - (c) Details of site security fencing and hoardings,
 - (d) Details of on-site car parking facilities for site workers during the course of construction,
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,

- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

15. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

16. 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 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.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

18. (a) In the event of the proposed telecommunications structures becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.
- (b) The site shall be reinstated on removal of the telecommunications structure and ancillary structures. Details relating to the removal and reinstatement shall be submitted to and agreed in writing with the planning authority at least one month before the removal of the telecommunications structure and ancillary structures and the work shall be completed within three months of the planning authority's approval in writing of these details.

Reason: In the interest of orderly development.

19. The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations

20. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

21. 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.

DR. Maria Fitzgerald

Maria Fitzgerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 1st day of *November* 2022

