



An  
Bord  
Pleanála

## Inspector's Report PL61.246807

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| <b>Development</b>                  | Redesign and change of use of vacant 3-storey over basement office building to provide a 77 units of student/holiday accommodation in a 4-storey over basement building at Sandyfort Business Centre, Bohermore, Galway City. |
| <b>Planning Authority</b>           | Galway City Council   |
| <b>Planning Authority Reg. Ref.</b> | 16/0040   |
| <b>Applicant(s)</b>                 | IVS Student Development<br>Bohermore Ltd  |
| <b>Type of Application</b>          | Third party   |
| <b>Planning Authority Decision</b>  | Grant permission  |
| <b>Appellant(s)</b>                 | Derek Allsop  |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> September 2016   |
| <b>Inspector</b>                    | Karla Mc Bride  |

## 1.0 Site Location and Description

The appeal site is located on the NE side of Galway City and the surrounding area is mixed use in character. The site is located within the Sandyfort Business Centre and it comprises an existing 3-storey over basement office building to the W of the busy Joyce roundabout. The site is bound to the W by existing office and retail units; to the N the Sean Mulvoy Road which is a dual carriageway with a school beyond; to the SE by a Maxol Filling Station, to the S by office retail units and to the SW by a terrace of 2-storey houses; with Bohermore Road and a cemetery beyond. Vehicular access to the site and basement car park is off Bohermore Road.

Photographs and maps describe the site in more detail.

## 2.0 Proposed Development

Planning permission is being sought for the redesign and change of use of the existing 3-storey over basement building (c.2,257sq.m.) to provide a 4-storey over basement building (c.2, 805sq.m) for student/holiday let accommodation comprising:

- 77 self-catering units with ancillary accommodation
- Additional 3<sup>th</sup> floor level (to provide a 4-storey building)
- Roof terrace and plant equipment over the 2<sup>nd</sup> floor level
- Use of existing car park (57 car and 63 bicycle spaces)
- Use of existing vehicular access off Bohermore Road
- New pedestrian link off Sean Mulvoy Road
- Landscaping, signage and all site works

### **Accompanying documents:**

- Planning Report
- Management & Operational Plan
- Letter of support from NUI Galway (UFI)
- Traffic & Transport Assessment (FI)
- Mobility Management Plan (FI)
- Daylight and Sunlight Report (ARS)

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Further information was submitted in relation to the following matters:

- Traffic & Transport Assessment
- Car park details
- Staffing details
- Pedestrian access ramp
- Revised drawings, 3D visual images and details of external finishes
- Water supply and storage details
- Address residential amenity concerns
- Storage details
- Landscaping plan

Planning permission was granted subject to 18 standard conditions.

This decision reflects the report and recommendation of the Planning Officer.

### 3.2. Interdepartmental Technical Reports

**Surface Water Drainage Section:** No objection.

**Roads Section:** FI requested in relation to a Traffic & Transport Assessment and, no objection following submission of this report and a Mobility Management Plan.

**Recreation & Amenity Department:** FI requested in relation to the appointment of a Landscape Architect, contamination issues at derelict site along Sean Mulvoy Road, detailed planning specifications and play facility details (children to young adults).

**Fire Authority:** Advised that the proposals would not comply with current Fire Safety Requirements with regard to means of escape and internal fire spread.

### 3.3. Other Technical Reports

**Irish Water:** FI requested in relation to water supply, layout and water storage with no objection following submission of the FI subject to conditions.

### 3.4. Third Party Observations

Two submissions received, one of which raised concerns in relation to car parking, traffic congestion, drainage, disturbance and overshadowing, and objection sustained after the receipt of FI submission.

## 4.0 Planning History

### Appeal site:

**Reg. Ref. 449/99** – Permission granted to construct a 3-storey over basement office block and associated site works.

**Reg. Ref. 01/081** – Permission refused for an extra floor of office accommodation on top of the 3-storey over basement building for 2 reasons related to:

- Excessive density and intensification of use, material contravention of Development Plan standards, and serious injury to the amenities of property.
- Inadequate provision of off street car parking to serve the additional space.

**Reg. Ref.03/914** – Permission for change of use of part of the ground floor from office to retail unit.

**Reg. Ref. 04/973** – Permission refused by ABP (PL61.212115) for change of use of existing 3-storey office building to a 47 bed hotel for 2 reasons related to endangerment of public safety by and traffic hazard, and inadequate vehicular access arrangements.

**Ref. 13/342** – Temporary permission granted for the change of use of part of the first floor office to education facility and minor alterations including a pedestrian access off Sean Mulvoy Road.

**Neighbouring site:**

**Reg. Ref. 176/00** – Permission granted to demolish an existing house and construct offices and basement car park with access through the appeal site.

**5.0 Policy Context**

***Regional Planning Guidelines West Region (RPG's), 2010-2022***

This document provides a broad planning framework at regional level and reflect the objectives of the NSS and the guidelines support the role of the Gateway and acknowledge the role the city has as a key economic driver for the west region.

### ***The National Tourism Development Strategy 2007-2013***

This document focuses on achieving value growth based on a quality natural environment, good accommodation and attractions.

### ***The Failte Ireland West Regional Tourism Plan 2008-2010***

This document views Galway as an established tourism area, a major tourism city with a surrounding attractive region, where the intensity of tourism activities increases towards the city. It states that Galway offers a high standard of urban type tourism and acts as an important commercial accommodation base for the established tourism area.

### ***Guidelines on Residential Development for Third Level Students (DES 1999) & Student Accommodation Scheme, (ORC 2007)***

These documents contain design guidelines for student accommodation

## **6.0 Galway City Development Plan 2011-2017**

**Zone CI:** The site is located within an area covered by the CI zoning objective which seeks “to provide for light industry and commercial uses other than those reserved for the CC (City Centre) zone.”

**Zone R:** The adjoining lands to the SW are located within an area covered by the R zoning objective which seeks “to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods.”

**Residential:** *Policy 10.4* seeks to ensure that an appropriate mixture of house types & sizes are provided in residential development to cater for different sectors of the market, .... discourage excessive amounts of small one bedroom units in housing schemes whilst *Policy 2.5* seeks to protect the quality of Inner Residential Areas (including Bohermore to the SW of the appeal site) by ensuring that new development does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas ....

**Offices:** *Section 2.1* states that specialist offices can be located on Industrial (I) or Commercial/Industrial (CI) zones..... Other general offices that are of a more administrative nature and have elements of public/retail offices are located in the city centre or edge of centre sites. There is capacity in both the CI and I zone, to accommodate additional floorspace demands for specialist offices.

**Tourism:** *Section 5.2.1:* states that it is Council policy to support the approach contained in The Failte Ireland West Regional Tourism Plan and to encourage and facilitate sustainable tourism development.... The Council can facilitate the commercial residential developments such as hotels, B&Bs and self-catering accommodation.

**Education:** *Section 6.4:* states that the city has two major third level institutions, NUIG and GMIT with a large full time student population and *Policy 6.4:* seeks to support the future improvement and sustainable expansion of NUIG & GMIT, recognising their contribution to the continued development of Galway as a Gateway.

***Development standards (Ch.11):***

*Plot ratio:* 1.25 and *Site Coverage:* 0.80

*Open space:* 5% of the total area of the site & 50% of the gross residential floor area where a residential content is proposed

*Car parking (offices):* 1 space per 25sq.m gross floor area

*Car parking (residential):* 1 space for one-bedroom residential dwelling & 1 grouped visitor space per 3 dwellings

*Bicycle parking:* 1 space per 20 car spaces

## 7.0 Natural Heritage Designations

- None in the immediate vicinity of the site.
- Inner Galway Bay SPA and Galway Bay Complex SAC & pNHA c.0.5km located to the S at Lough Atalia.
- Lough Corrib SAC c.1.5km to the W of the site.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

The Third Party appeal by Dr & Mrs Derek Allsop is summarised as follows:

- Appellant owns a 2-storey house at no.15 Grealishtown to the SW of the site.
- Sandyfort Business Centre has never been fully occupied and proposals for the use of the appeal premises have failed for reasons related to traffic congestion, road safety and residential amenity.
- Applicants response to the FI request was inadequate.
- **Joyce's' roundabout** has 5 junctions, it is one of the most congested and busy in the city and the roads serve a range of uses including the business centre, a school, the petrol station and a cemetery. There are bus stops on both sides of Bohermore Road. Proposal would give rise to traffic congestion and a traffic hazard to pedestrians crossing in front of the entrance.
- **The Traffic Management Plan** does not correctly estimate the required number of car parking spaces for term time students and summer time tourists or assess how this would affect traffic congestion or pedestrian safety, and it also fails to factor in the right turn off Bohermore Road.
- **Parking** is provided in the basement car park (60 spaces) and along Bohermore Road (10 spaces) which is inadequate and illegal overspill parking will exacerbate the traffic hazard and further affect pedestrian safety.



- **The proposed 4<sup>th</sup> floor** would overshadow neighbouring houses to an even greater extent than the current 3-storey building and it would add to overbearance, visual intrusion and property devaluation, and the 3D drawing distort the real view to minimise the visual impact.
- **The Management Plan** would negate some of the undesirable aspects however there is no mechanism to enforce or monitor its implementation, and it mainly relates to the student use and not the holiday lets.
- **In conclusion** the proposal would have an adverse impact on the environment, traffic congestion, road safety and privacy of nearby houses.

## 8.2. Planning Authority Response

The planning authority submitted a copy of a letter received from Dr Pat Morgan of NUI Galway whose concerns are summarised below:

- There is an extreme shortage of purpose built student accommodation in Galway and the rental sector is no longer providing suitable capacity.
- The university is developing additional student accommodation on campus with 900 beds by 2020, and is keen to encourage the provision of similar student accommodation in existing buildings and brownfield sites in appropriate locations, close to campus and/or well served by public transport.
- The proposal would bring additional capacity and scope to the market.

## 8.3. First Party Response

### ***Residential amenity/building height:***

- The existing building is 11.42m high and the upwardly extended building would be 15.37m.
- The Daylight & Sunlight Report concluded that the habitable rooms of neighbouring properties would not be adversely affected by the proposal.
- The application was accompanied by a Management & Operational Plan which forms part of the PA's decision to grant permission (Condition no.3).

- The landscaping scheme will improve the appearance of the existing building with trees along the site boundaries, a courtyard entrance and seating areas, and a new stepped pedestrian and access ramp from Sean Mulvoy Road.
- Screen planting (c.1.8m high) will be erected along the W side of the roof terrace with Grealishtown.
- Proposal will be assimilated because of the range of building heights and setbacks in the area along with the variation in ground levels from Bohermore to Sean Mulvoy Road, and will not be visually intrusive.

***Traffic congestion & safety:***

- The basement car park already exists and there is an emphasis on pedestrian and bicycle usage in the proposal.
- The 3-storey building and 57 space car park, which has an occupancy potential of 230 people, is largely vacant and the spaces are not fully utilised.
- Proposal comprises 77 units with 57 car & 63 bike parking spaces, the total occupancy is 89 residents plus 5 staff, which is less than presently permitted.
- Future occupants would be less car dependent than office workers and the predicted trip generation would be much less than for the office block.
- No objections from the Council's Roads Section.

***Traffic Management Plan:***

- The basement car park currently serves a permitted office block and the conversion to student accommodation will result in a lower impact traffic pattern at peak traffic times with reduced and entries/exits from the car park.
- The TIA also includes additional traffic safety measures to improve access to the car park which include:
  - Road safety yellow box at the top of the ramp on Bohermore Road to reduce the potential for traffic disruption for right turning vehicles.

- Strong emphasis on pedestrian and cyclist access to the basement and ground level independent of the vehicular access.
- Significant bicycle parking spaces provided (63 spaces).

***Car parking:***

- Adequate car parking provided, the mobility plan shows the links to public transport, the proposal is within 1km of the Galway railway station and buses run every 10 mins to the station, GMIT and NUIG.

***Management Plan:***

- Proposal will be operated in accordance with the Management & Operational Plan which forms part of the planning permission as per Condition no.3 of the PA's decision to grant permission.
- Building will be used to accommodate students and tourists (separately) and a duty manager will be on site during the summer months.

***Conclusions:***

- Proposal is located in a mixed use area.
- Proposed use accords with the C1 zoning objective.
- Strong demand for student and tourist accommodation.
- All issues raised by the Appellant have been addressed

**8.4. Observations**

None received.

## 9.0 **Assessment**

### 9.1. ***Identification of key issues***

I consider the key issues in determining this appeal are as follows:

- Principle of development
- Visual impact
- Residential amenity
- Movement & access
- Other issues

### 9.2. ***Principle of development***

The proposed development would comprise the change of use of the existing 3-storey over basement office building to residential use as term-time student and seasonal tourist accommodation along with the erection of an additional fourth floor. The extended building would contain 77 self-catering units with ancillary accommodation, basement car parking and amenity space. The applicant submits that there is an increasing demand for student and tourist accommodation in Galway, that the existing office building has been vacant for many years and that the proposed development complies with the “CI” zoning objective as it constitutes a commercial leisure use. The planning authority concurred with this view.

The proposed development would be located within an area zoned “CI” in the Galway City Development Plan 2011-2017 which seeks “to provide for light industry and commercial uses other than those reserved for the CC (City Centre) zone.” Residential use, student accommodation and holiday lets are not listed as examples of uses which are compatible with the “CI” zoning objective, however Traveller accommodation is considered to be compatible. The proposed uses are also not listed as examples of uses which may contribute to this zoning objective, however residential content of a scale that would not unduly interfere with the primary use of the land for “CI” purposes and would accord with the principles of sustainable neighbourhoods are listed as being compatible. Although commercial leisure and

indoor recreation are also listed as uses that may contribute to the zoning objective I would not concur with the view of the applicant and the planning authority that the proposed development falls within this category.

The Development Plan is relatively silent on the issue of tourist and student accommodation. Section 5.2.1 of the Plan states that the Council can facilitate the commercial residential developments such as hotels, B&Bs and self-catering accommodation. Section 6.4 refers the large full time student population in the city and Policy 6.4 seeks to support the future improvement and sustainable expansion of NUIG & GMIT. The Plan also specifies that a minimum of one third of the “CI” zoned lands on the Dublin Road (former Corrib Great Southern Hotel site) should be reserved for higher educational use with student housing open for consideration. However, the current Development Plan provides no further planning guidance in relation to the provision or location of tourist or student accommodation.

Given that Table 11.2.6 contains a non-exhaustive list of examples of uses which may be compatible with or contribute to the “CI” zoning objective and that this list includes a residential content, the proposed development would be acceptable in principle subject to an assessment of the potential impacts of the proposal on the “CI” zone and the surrounding area which includes the established residential areas at Grealishtown and Bohermore to the SW.

Whist I am satisfied that the existing office building has been largely vacant for a substantial period of time and that the proposed change of use would have no significant adverse impacts on the existing uses located within the “CI” zone, the potential impacts on residential amenity will be assessed in section 9.4 below.

### 9.3. *Visual impact*

The proposed development would be located within a mixed use area which comprises a mix of buildings of various ages, designs, heights and setbacks from the public road. The area is not covered by any sensitive built heritage designations and there are no protected structures in the vicinity. The existing 3-storey over basement brick fronted building which was granted planning permission in c.1999 is mainly

rectangular in configuration. Vehicular access is off Bohermore Road to the SW and the main pedestrian access is off Sean Mulvoy Road to the NE. The existing building occupies a prominent position to the W of the Joyce Roundabout and an elevated location relative to the neighbouring commercial uses to the N.

The existing 3-storey over basement building has a stated gross floor area of c.2,257sq.m and the proposed extension would increase the floor area to a stated 2,805sq.m which would give rise to an additional c.587sq.m of floor space. However, it is noted that the section 10 of the planning application form states that the increase in floor area would be 678sq.m.

The existing building is approximately 54m wide, 12m to 22m deep (at the SW section) and 11.3m high (above ground level to the S) and 14.5m high (above ground level to the N which includes the basement level). The proposed third floor flat roofed extension would be c.4m high with panel walls and windows to match the existing building, and it would be set back c.4m from the existing front elevation. The extended building would be approximately 50m wide, 12m to 22m deep and 15.3m and 19.5m high with a roof terrace (c.31sq.m.) and plant area (c.16sq.m.) in the W section over the existing second floor level. Landscaped courtyards would be provided in the SW, S and NE sections as well as at roof level. The proposed development complies with the relevant development plan standards for site coverage, plot ratio and open space, and the design, layout, setback and external finishes of the proposed extension are considered acceptable in terms of visual amenity.

Having regard to all of the above, I am satisfied that the proposed development would not seriously injure the visual amenities of the surrounding area, however the potential impact of the proposal on the residential amenities of neighbouring properties will be assessed in section 9.4 below.

Planning permission was previously refused under Reg. Ref. 01/081 for an extra floor of office accommodation on top of the existing 3-storey over basement building for 2 reasons related to excessive density and intensification of use, and inadequate car parking to serve the additional office space, however it is noted that neither of these reasons related to visual impact.

#### 9.4. **Residential amenity**

##### **Proposed units:**

The proposed development would comprise a total of 77 mainly single bedroom, self-contained units of student / tourist accommodation. The proposed units would provide for a satisfactory level of residential amenity with respect to floor area, ancillary facilities, storage and amenity space relative to their future use.

##### **Neighbouring properties:**

The proposed development would be located within an area zoned "CI" in the current Development Plan which seeks "to provide for light industry and commercial uses other than those reserved for the CC (City Centre) zone." Residential content that would accord with the principles of sustainable neighbourhoods is listed as a use that may be compatible with the "CI" zoning objective. This particular "CI" zone adjoins a residential area to the SW which is covered by the "R" zoning objective which seeks "to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods." The proposed development would therefore occupy a transitional area between two zones and the potential impact of the proposed 3<sup>rd</sup> floor extension and change of use from offices to term time student and seasonal tourist accommodation on nearby residential properties requires careful consideration.

The SW section of the existing building is located in close proximity to a long established terrace of 2-storey houses at Grealishtown. The owners of the end of terrace house at no.15 have raised concerns in relation to the impact of the proposed c.4m high third floor extension and the change of use from offices to student/tourist accommodation on the amenities of their property.

##### **Proposed extension:**

The SW elevation of the existing basement car park is located parallel to the triangular shaped c.18m long rear garden boundary of no.15 Grealishtown and the car park boundary wall extends above the level of the neighbouring garden. The SW elevation of the existing 3-storey office building extends along the entire depth of the

neighbouring rear garden and it is set back between c.2m and 8m from the site boundary. The proposed third floor extension in the vicinity of no.15 would be set back from the existing SW elevation and the remaining space over the 2<sup>nd</sup> floor level would be used as a roof terrace (c.31sq.m) and for plant equipment (c.16sq.m.). The SW part of the c.4m high extension would comprise 3 separate sections which would be set back between 0 and 3m from the existing 3-storey side elevation and between c.5m and c.8m from the existing c.18m long rear garden boundary with no.15.

Having regard to the height and scale of the existing 3-storey building and its relationship to the neighbouring rear garden at no.15, and to the height and scale of the proposed extension which would have an additional set back from the neighbouring site boundary, I am satisfied that the proposed extension would not be unduly overbearing, it would not be visually obtrusive and that it would not overlook or overshadow the neighbouring property to any significant additional extent. However, the proposed terrace should be omitted in the interests of protecting the amenities of nearby residential properties.

The contents of the applicant's Daylight and Sunlight report are noted.

***Proposed change of use:***

The proposed development would be bound on to the N, S and E by existing commercial uses and to the W by the terrace of houses at Grealishtown. These houses front onto Bohermore Road to the S whilst the main pedestrian and cyclist access to the proposed accommodation would be off Sean Mulvoy Road to the E. The proposed amenity areas would also be located a substantial distance from the neighbouring houses, subject to the omission of the roof terrace in the SW section.

Most of the existing windows in the SW elevation located adjacent to the rear garden of no.15 would be altered in a number of ways to prevent overlooking. The above ground floor windows would either be blocked up, or fitted with glass blocks or obscure glazing whilst the ground floor windows with clear glass would be located behind the c.1.8m high boundary wall with no.15.

Furthermore, the applicant has prepared a Management and Operational Plan which will be used to manage the premises as term time student accommodation and seasonal tourist holiday lets. It is also noted that the units would be mainly occupied



by post graduate students who may have a higher degree of maturity than school leavers. Having regard to all of the above, I am satisfied that the proposed change of use from offices to student and tourist accommodation would be acceptable subject to the full and long term implementation of the Management and Operational Plan.

#### 9.5. ***Movement and access***

The proposed development would be located off the Joyce Roundabout which is used by five roads that serve a wide variety of residential, commercial, retail and educational uses as well as a cemetery and a petrol filling station. Both the roundabout and feeder roads are heavily trafficked and the surrounding road network is subject to traffic congestion. Notwithstanding this, the proposed development would be located within an existing permitted office building which has an existing basement car park that the proposed development would utilise.

The current Development Plan requires 1 car parking space per 25sq.m gross floor area which equates to c.90 spaces for the existing 2, 257sq.m. building. There are no car parking standards for student or tourist accommodation and the proposed use is unlikely to generate the same level of demand for spaces as long term residential accommodation. The site is also located in close proximity to the city centre, rail and bus stations, and the local bus network, and 63 accessible bicycle parking spaces would be provided.

Vehicular access to the basement car park would be via the existing ramped entrance off Bohermore Road and the applicant has proposed a number of initiatives including a “Yellow Box” to help alleviate traffic congestion in the vicinity of the entrance which is welcome. It is also noted that the tourist use of the units will occur when the nearby primary school is closed for the summer. The main pedestrian and cyclist access would be via a new pedestrian link and ramp off Sean Mulvoy Road which is considered acceptable in terms of traffic and pedestrian safety.

Planning permission was previously refused on two occasions under Reg. Ref. 01/081 and PL61.212115 for an extra floor of office accommodation and subsequently for a change of use to hotel for reasons related inadequate car parking to serve the additional office space, and inadequate vehicular access arrangements.

However, having regard to all of the foregoing, I am satisfied that the proposed development would not give rise to an increase in traffic or demand for car parking space over and above that already catered for in the permitted office development. The proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

The contents of the traffic assessment and mobility management plan are noted.

#### 9.6. ***Other issues***

*Appropriate assessment:* The proposed development would comprise the change of use of, and extension to an existing building which is located within a fully serviced site which has no direct physical connection to any European sites. Therefore, the proposed development would not adversely affect the integrity of the Galway Bay SPA, Galway Bay Complex SAC or the Lough Corrib SAC.

*Environmental services:* The proposed water supply and drainage arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

*Fire Safety:* The proposed development should comply with all relevant fire safety regulations and requirements.

*Flood risk:* The proposed development would not give rise to a flood risk and the contents of the applicant's Flood Risk Assessment are noted.

*Heritage:* The proposed development would not be located within a conservation area or adversely affect the character and setting of any protected structures in the wider area, nor would it impact on the Galway Bay pNHA to the S at lough Atalia.

*Japanese knotweed:* The proposed removal and eradication of this invasive species which grows along the Sean Mulvoy frontage of the building shall be undertaken in accordance with all relevant legislative requirements.

*Landscaping:* The proposed landscaping, boundary treatment and recreational plans are considered acceptable subject to their full implementation and ongoing maintenance.

*Social & affordable housing:* Student housing schemes are exempt from the Part V social housing requirements as provided for under the Planning & Development Act 2000 as amended.

## 10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

Having regard to the provisions of the Galway City Development Plan 2011-2017, and to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be amended by the omission of the proposed roof terrace located in the SW section of the building which would be positioned over the existing second floor/third storey. Revised roof plans shall be submitted for the written agreement of the planning authority before development commences.

**Reason:** To protect the amenities of neighbouring residential properties.

3. Details [including samples] of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

4. The landscaping scheme shall be fully implemented and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of amenity and sustainable development.

5. The developer shall comply with the following roads and traffic requirements:

- (i) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
- (ii) The developer shall implement the measures outlined in the Mobility Management Plan and ensure that future tenants of the development comply with this strategy. A Mobility Manager shall be appointed to oversee, co-ordinate and implement the plan. Prior to occupation of development the Mobility Manager shall liaise with the planning authority in relation to the implementation of the Mobility Management Plan.

- (iii) All costs incurred by Galway City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (iv) The car parking spaces shall be used exclusively for the student and holiday let tourist accommodation and should not be separately sold or leased.

**Reason:** In the interest of orderly development

6. The proposed student and self-catering holiday accommodation shall be operated and managed in accordance with the “Management and Operations Plan” which was submitted with the planning application.

**Reason:** In the interest of orderly development and to protect the amenities of the area.

7. The development shall only be used for the accommodation of post graduate students and visiting lecturers to the city’s colleges from September to May except for during the summer period (June, July and August) when the units may also be used as temporary holiday accommodation. None of the units shall be let on a long term basis.

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area.

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

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

9. The flood mitigation measures outlined in the Flood Risk Assessment report shall be fully implemented.

**Reason:** In the

interest of orderly development

10. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

11. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the residential amenities of adjacent dwellings.

12. 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 the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission. All signs shall be bilingual.

**Reason:** To protect the visual amenities of the area

13. All plant and machinery used during works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

14. The developer shall pay to the planning authority a financial contribution of E18,985.68 (eighteen thousand, nine hundred and eighty-five euro and sixty-eight cent) 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. The application of any indexation required by this condition 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.

**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.

15. 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 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.

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Karla Mc Bride

Senior Planning Inspector

6<sup>th</sup> October 2016

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An Bord Pleanála

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