



An
Bord
Pleanála

Inspector's Report ABP-300613-18

Development	Student Accommodation Development
Location	Site generally bounded by Queen Street to the west, United Methodist Presbyterian Church to the north, Old Stable Buildings to the east, & former Topaz Oil Facility to the south. Galway City
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	17/121
Applicant(s)	Bonham Dock Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeals	Third Party
Appellant(s)	V.P. Motors Ltd. CIE An Taisce, Galway Association. Brendan Mulligan
Observer(s)	None
Inspector	Bríd Maxwell
Date of Site Visit	14 th May 2018

1.0 Site Location and Description

- 1.1 The appeal site fronts onto Queen Street on the edge of the Inner Harbour Area of Galway City approximately 150m south of Eyre Square and c 250m south east of William Street and Shop Street. The site which is irregular in shape has a stated area of 0.3 hectares and is brownfield in nature. The site is occupied by two single storey buildings and an oil storage tank and is predominantly used for car parking with approximately 20 surface car parking spaces. The site is enclosed by a 2m tall boundary wall and security fencing.
- 1.2 The site is bounded by Queen Street to the West, the United Methodist Presbyterian Church (Protected Structure RPS Ref 8201) to the north, old stable buildings (Protected Structure RPS Ref 8291) to the east and the former Topaz Oil Facility on Dock Road (subject to concurrent appeal before the Board ABP 300275-17 for a mixed use largely office development¹) to the south. The site is relatively flat with only a slight fall in ground level from north to south.
- 1.3 Access is provided via a gateway from Queen Street / Dock Road. Adjacent to the boundary wall onto Queen Street there is a parking bay for buses / coaches and to the south of this an area used by VP Motors Ltd for vehicle parking and display area. An established wayleave runs along the southern boundary of the site in favour of CIE which provides access to car park area to the east of the stables building and which ultimately provides access to Ceannt Station via ramped access to the northeast of the site. Notably Ceannt Station Railway yard is significantly elevated circa 6.5m above the level of the appeal site.

¹ ABP300275-17 Galway City Council by order dated 27th October 2017 issued notification of its decision to grant permission for a mixed-use office development (c 34,405 sq.m GIA excluding basement, external terraces and roof plant) provided in 4 no blocks over a single basement level. The application is subject to appeal by 6 parties.

1.4 Established buildings opposite the site on Queen Street are predominantly commercial including a garage, office space and a hostel with the Barr Taoide mixed use (office/ residential / retail) scheme to the southwest. The Victoria Hotel, Galway is located to the north of the Methodist Church at the junction of Queen Street and Victoria Place.

2.0 Proposed Development

2.1 The proposed development comprises the demolition of the existing buildings on site (c506 sq.m) and the provision of a 345 no bedroom student accommodation scheme consisting of two buildings of 7 and 8 floors respectively over a combined ground floor level comprising of 10,747 sq.m overall. Plant and terraces are provided at roof level. Block 1 of 7 no. storeys over ground floor accommodates 158 no. bedrooms and the 8 no. storey (over ground floor) Block 2 has 187 no. student bedrooms. The ground floor level provides administrative and ancillary functions associated with the student accommodation project (common / screening room /study area) together with a start-up / incubator commercial space (161 sq.m).

2.2 The application was accompanied by a number of reports setting out the detail of the proposal including the following:

- Planning Report
- Galway Inner Harbour Framework Plan²
- Architectural Design Statement

² The Galway Inner Harbour Area Framework Plan BDP was prepared as a precursor to planning applications 300275-17 and 300613-18 to demonstrate how the City Development Plan objectives will be applied to the urban design of the inner harbour area. The plan seeks to satisfy the stated development plan requirements for a master planning within the inner harbour regeneration area.

- Engineering Report
- Flood Risk Assessment
- Transportation Assessment Report & Preliminary Travel Plan
- Visual Impact Assessment
- Conservation Report
- Archaeological Assessment Report
- Environmental and Human Health Risk Assessment
- Fire Safety Report
- Student Accommodation Management Plan

2.3 Each level within each block will provide en-suite bedrooms (13.56sq.m) in clusters (between 5-9 rooms per cluster) with shared kitchen / dining / living areas. An external landscaped podium garden situated between both blocks is provided at level 01 which is accessed from the public area at ground floor level. A landscaped garden terrace (196 sq.m) is located at level 01 between block 1 and 2 with access from common area at ground floor level. Additionally, there will be a roof terrace (156 sq.mn) located at the top of block 2 set back into the roof space of the block.

2.4 Access is from Queen Street, one way and drop off will be facilitated by a one-way route operating around the perimeter of the building accessed from the northern corner of the site. It is proposed that the laneway will be managed and fitted with gates which will be open during the day and closed at night for safety and security. No on-site car parking is provided however 185 no bicycle spaces are provided at ground level. Access to the old stable building (right of way in favour of CIE) is maintained via a laneway created under Block 2 (double height void over ground floor and level 01) on the southern edge of the site.

2.5 SUDS measures are provided for the management of storm water from the development including attenuation storage, permeable paving, hydrocarbon

interceptor and green roof. As regards façade treatment and building material it is proposed to use a simple brick finish to reflect the tones of the material finishes of the adjoining buildings including the Presbyterian / Methodist Church.

2.6 In terms of energy and sustainability, the building is designed to a high standard with significantly reduced energy and water consumption relative to that of typical modern student accommodation.

2.7 In response to a request for additional information from Galway City Council some modifications were made to the proposal including:

- Amendments to the design to the colonnades along Queen Street to provide for the introduction of different material and colour in the reveals.
- Provision of an additional roof terrace on block 1 resulting in 88msq of additional amenity space
- Landscaping proposals to Queen Street were outlined.
- The applicant provided clarification that outside of term use - the intention is to provide accommodation for summer students or visitors / tourist in the form of short stay lets.
- Indicative layouts were provided to demonstrate how the street network in the locality could be adjusted to cater for increased pedestrian cyclist movement.
- Indicative demonstration of potential connectivity to adjoining Inner Harbour lands was also explored.

3.0 Planning Authority Decision

3.1 Planning Authority Reports

3.1.1 Environment Report: three conditions recommended.

3.1.2 Recreation and Amenity Department: Landscape Architects required to ensure that public realm spaces are fully realisable and that roof gardens or terraced amenity spaces can be managed in accordance with the proposed plans. Report subsequent to response to further information request indicates dissatisfaction with level of detail.

3.1.3 **Heritage Officer:** Initial report expressed concerns about the dominating impact on the adjacent Methodist Church and school house, old Galway Gasworks and other protected structures on the CIE lands including the old stables, entrance gates and other protected structures on the Docks. The industrial archaeology extends across a wide area and must be monitored and recorded. The potential for hidden archaeology is significant including for example stone from the town walls, rubble from medieval buildings, boat timbers in the previous lagoon area and human remains from Forthill Cemetery which may have been more extensive before it was walled in the c19th century. Second report following further information request expresses concern at lack of clarity on process if substantial walling or other features associated with the gasworks are found. What is to be preserved in situ, what steps will be taken to preserve and present any industrial archaeological features which may be discovered? Any digging is likely to produce evidence for the 19th century industrial archaeology at the site and also for in filling and levelling up. It is essential that all spoil should be searched carefully for architectural fragments and these be stored and treated as archaeological artefacts. Any digging should be kept at least 2 metres from the wall of the graveyard of the Methodist Presbyterian church which seems to be built on relatively shallow foundations. The possibility of finding human remains associated with Forthill must also be considered. An environmentalist should be on site to monitor the presence of contaminants. Natural heritage of the area must be enhanced by the provision of trees, shrubs and grass and public realm must benefit from such enhancement works. Name in Irish should reflect the cultural heritage of the site.

3.1.4 **Transportation:** Further information required on a number of items including: Public lighting, justification for calculations in multi modal split (table 3.1), impact of removal of existing bus set down area, clarification if any development will be taken in charge, signage and road markings compliance with Traffic Signs Manual, details

construction traffic management plan, vehicular wheel washing facility, alterations to public services at developer's expense, road opening licence and dropped kerbs.

3.1.5 Chief Fire Officer: No objection subject to condition that an automatic fire suppression system be installed throughout the building as per Table 2 of BS 9991:2015.

3.1.6 Planning Report:

Initial report expresses some concern regarding the design, particularly by reference to pedestrian experience on Queen Street. It is considered that the character of the city from strategic view is generally not impacted greatly and the visual impact is more localised. Additional information required regarding visual impact particularly from Victoria Place, public realm, specification of materials, and additional assessment of Architectural heritage impact and mitigation strategy. The applicant also to clarify the mechanism to connect the proposal with the adjoining office development and to clarify the intended use outside term time. Consultation with adjoining landowners in light of the submission from CIE and VP Motors was to be clarified. Other items requested related to construction mitigation, public art provision, servicing, public lighting, consultation with third level institutions in light of Part V Housing requirements and an assessment of sunlight daylight and shadowing with specific reference to the United and Presbyterian Methodist Church.

The applicant was also requested to demonstrate how the street network in locality might be adjusted in accordance with DMURS to cater for increase in pedestrians and cyclists.

The second report expresses the view that the proposed development incorporating taller / landmark building will contribute to aspects of urban design such as accessibility, enclosure, character, permeability and adaptability and will significantly improve the immediate area around the development site with regard to public realm and visual amenity. In relation to the Queen Street elevation the introduction of colour on the reveals will provide an element of animation and relieve to the proposed colonnade design feature. The report concludes that the elevation to Queen Street accords with principles of good design and will provide for a positive contribution to visual amenity while providing for suitable address to an active city street. The report concludes that the proposed development complies the Development Plan, represents a scheme that responds to demand for purpose built student accommodation and represents a development that will further enable

Galway City to compete internationally as a regional city and driver of growth. Permission was thereby recommended subject to conditions.

3.2 Prescribed Bodies

- 3.2.1 **Health & Safety Authority:** The Authority does not advise against the granting of planning permission in the context of Major Accident Hazards.
- 3.2.2 **Irish Water:** Two recommendations to be attached.
- 3.2.3 **Health Service Executive:** No public health observations.
- 3.2.4 **Department of Arts Heritage, Regional Rural and Gaeltacht Affairs :** Proposed development lies in proximity to three recorded monuments. Subsurface archaeological remains could be encountered during ground disturbance works. Archaeological condition is recommended. The proposed development will have a strong visual impact on protected structures. Proposed removal of 'later' additions to The Stores requires a conservation impact assessment including a comprehensive photographic survey. Architectural Conservation Report is not adequate and further information should be required regarding the impact on The Stores and the United Church protected structures.
- 3.2.5 **An Taisce Galway Association** outlines objection on grounds of lack of local area plan, negative impact on protected structures and heritage. Scale and design is inappropriate. Lack of housing and mix fails to achieve an integrated neighbourhood. Issue of contamination not adequately addressed. Failure to engage with stakeholders and lack of public participation. The development as configured is in material contravention of the development plan and is unsupportive of critical aims and objectives.

3.3 Third Party Observations

3.3.1 There were several third-party submissions to the Local Authority which were both in objection (5) and in support (14). Objections raise common issues which I have summarised as follows:

- Submission from Ford & Associates on Solicitors on behalf of VP Motors, Queen Street asserts that the area forward of the site (shown in red on map attached) is owned by V.P. Motors limited of Queen Street who have not consented to the making of the application.
- Proposed building is bland and not appropriate in a distinctive city
- Lack of car parking giving rise to congestion & negative impact on road network.
- Height of building will cause overshadowing of dwellings on Dock Road.
- Noise from the rooftop terraces will cause significant nuisance.
- Queen street car parking is used by attendees of the United Methodist Presbyterian Church. Overshadowing of the Church and cemetery.
- Negative visual impact, impact on protected structures (Significant and long term),
- Human health risk and safety issues.
- Lack of Masterplan for inner harbour lands, Democratic deficit. Development does not comply with the development plan.
- Proposal cannot be seen to satisfy the residential component requirements of the adjoining site.
- Interference with CIE's legal right of way.
- Requirement for monitoring and inspection of site soil and groundwater contamination.
- Development is premature pending the adoption of a local area plan for the Inner Harbour lands and pending decision on Galway Harbour Extension.
- More appropriate sites are available for student accommodation.
- Mixed tenure residential development more appropriate for this strategic city centre site.
- Multiple letters of support for the development.

- Proposal will be a great addition to Galway City. Innovates in design and vision.
- The development will address the current dearth of student accommodation in Galway City.

3.4 Decision

3.4.1 By order dated 7th December 2017 Galway City Council notified the parties of its decision to grant permission and 28 conditions were attached thereto which included the following:

Condition 2. Development contribution €297,374.00 in accordance with the Development Contribution Scheme

Condition 3. Development shall be used for student accommodation or accommodation related to Higher Education Institute only during the academic year or Student accommodation or tourist / visitor accommodation only during the academic holiday periods. The development shall not be used for the purposes of permanent residential accommodation as a hotel hostel apart hotel or similar use without prior grant of permission

Condition 4. Archaeological pre-development testing.

Condition 5. Qualified archaeological archivist to provide a report recording the industrial heritage of the site.

Condition 6 & 7. Landscaping plan and public realm materials to be agreed.

Condition 8. Public realm proposals subject to written agreement with transportation section of Galway City Council.

Condition 9. Student management plan.

Condition 10. Management and maintenance of the development by management company.

Condition 11. Construction and evacuation management plan.

Condition 12. Any alterations to public services at the developer's expense.

Condition 13. Demolition hours.

Condition 14. Construction, excavation and demolition waste.

Condition 15. Waste Management Plan

Condition 16. External finishes to be agreed.

Condition 17. Signage.

Condition 18. No internal or external security shutters projecting signs /spotlights or other appliances.

Condition 19. Undergrounding of services.

Condition 20. Road opening license.

Condition 21. Bicycle storage.

Condition 22. Lighting scheme.

Condition 23. No change of use of ground floor without prior grant of permission.

Condition 24. Minimum 2 pieces of artwork / features.

Condition 25. Plant /machinery shall not extend beyond roof level.

Condition 26. SUDS.

Condition 27. Flood risk mitigation.

Condition 28. Irish water connection.

4.0 Planning History

4.1 There is no planning history on the subject site.

4.1.1 The following concurrent appeal relates to the adjoining site to the south:

ABP-300275-17: An appeal against the decision of Galway County Council to grant permission for a ten-year period for a mixed-use office development in 4 no. blocks over a single basement, is currently before the Board. This appeal was the subject of an Oral Hearing held at the Clayton Hotel Galway on 15th 16th and 17th May 2018. The within application (ABP300613-18) is intended to meet the residential

component³ of this adjoining proposal. It is envisaged that the appeal site will be acquired and developed by Summix Ltd. and evidence presented at the Oral Hearing made reference to an agreement with Summix Ltd the terms of which ensure that both Bonham Dock Limited and Summix Ltd are incentivised to work in partnership.

I note the following applications for student accommodation in Galway.

ABP-301693-18: Westwood Hotel, Dangan, Upper Newcastle, Galway. Current Strategic Housing Development SHD application for demolition of existing Westwood Hotel, construction of student accommodation scheme (394 bed spaces), pedestrian and cyclist links to Thomas Hynes Road and N59 Upper Newcastle Road and associated site works. The complex will be used as visitor or tourist accommodation on a temporary basis outside the academic term times.

15/221 PL61.246079 Permission granted on appeal for student accommodation facilities at NUI Galway Northern Campus of 429 bed spaces. Development in 1 no 5 storey block and 3 no 3 & 4 storey blocks with associated courtyards pedestrian access, vehicular access and drop off / turning facilities.

16/40 PL61.246807 Permission granted for redesign and change of use of existing vacant three storey office building over basement car park to provide four storey building over basement car park containing 77 student and self-catering apartments.

16/156 PL61.247406 Permission granted on appeal for development of managed student accommodation totalling 5.731 sq.m. Six storey block consisting 46 units providing a total of 147 bed spaces.

5.0 Policy Context

5.1 *The operative development plan is the Galway City Council Development Plan 2017-2023 which was adopted by the City Council on December 1st, 2016.*

- The site is located in an area zoned CC- City Centre with the following objective;

³ Galway City Development Plan at Section 10.2.2 requires that sites developed within the inner harbour key regeneration area provide for a minimum residential content on the site equivalent to 30% of the gross floor area.

'To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city'

A wide range of uses, including residential and commercial are considered acceptable in this zoning category.

- Under the Housing Strategy (Section 2.2) the plan supports the development of student accommodation both on campus and through private student accommodation schemes.

- Development standards for the City Centre are set out in Section 11.4 of the Plan. Specific Development Standards for Student Accommodation are set out in Section 11.29.

- Section 8.7. Urban Design. Principles of Good Urban Design. Building Height:

"In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height, However, it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities.

Any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open space, public realm and any views."

- 11.2.7 City Centre CC Land Use Zoning Objectives. Specific Objective for CC lands at Inner Harbour *"The Council will consider the development of these lands for mixed use commercial development including for commercial offices, recreation, retail and residential (equivalent to 30% of the total likely proposed floor area) in accordance with the requirements set out under Section 10.2.2.*

- 10.2.2 Inner Harbour Area

The Council will consider the redevelopment of these lands where it can be demonstrated that a number of requirements can be satisfied. *"In advance of specific proposals for development, a masterplan will be prepared for the overall site which will address the critical issues that will contribute to making this area a successful place. The plan will address critical issues including sustainability, protection of adjoining European Sites, access, urban design context, maximum building heights, massing appropriate use mixes. High quality public realm, industrial heritage, climate adaptation measures and likely phasing of construction. The preparation of this plan*

shall be the responsibility of the applicant in consultation with the local authority, adjoining landowners and stakeholders. This will build on the acknowledged co-operation existing between the harbour landowners and Ceannt Station landowners., which includes for a common objective to have a co-ordinated and integrated approach embedded into future proposals.”

The use mix should provide for a minimum residential content on the site equivalent to 30% of the proposed gross floor area in order to achieve a significant level of residential presence and a critical mass to create a new community. As with Ceannt Station lands, in certain limited cases, where a residential content would not represent the optimum use for a specific site within the overall plan area or where a specific development proposed might not in terms of urban design have a more beneficial use mix, the equivalent 30% requirement may be provided for at a more appropriate location within the overall site or as part of a different development.”

- Section 11.2.7 Flood Risk Management
- (Relevant Extracts from the development plan above appended to report)

5.2.1 Natural Heritage Designations

The following Natura 2000 sites are within a 15km radius of the site.

Galway Bay Complex cSAC (Site Code 000268) 220m east.

Lough Corrib cSAC (Site Code 000297) 410m west.

Lough Fingal Complex cSAC (Site Code 000606) 13.5km south east.

Ross Lake and Woods cSAC (Site Code 001312) 14.4km north west.

East Burren Complex cSAC (Site Code 001926) 13.2km south

Connemara Bog Complex SAC (Site Code 002034) 13.2km northwest.

Inner Galway Bay SPA (Site Code 004031) 220m east.

Lough Corrib SPA (Site 004042) 3.7km north

Creganna Marsh SPA (Site Code 04142) 7.7km southeast.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 There are four third party appeals. The first third party appeal is submitted by John Mooney of John Mooney & Company on behalf of VP Motors Ltd. Grounds of appeal are summarised as follows:

- VP Motors have operated at this location since 1970s and claim ownership of lands to the front of the site bounded on the west side by the public roadway and on the east side by a wall and a barrier.
- The proposed development provides for construction on lands currently occupied by VP Motors where no permission has been given for such construction.
- Concerns regarding traffic, car parking, coach / taxi pick up and drop off, restricted access for fire tenders and impact on access to properties on Queen Street.
- Impact on established commercial / industrial use.
- Pedestrian vehicular conflict.
- Request that the Board request amendment of the proposal so that no part of the development encroaches on VP Motors property.

6.1.2 The second third party appeal is submitted by CIE. Grounds of appeal are summarised as follows:

- Development interferes with CIE's legal rights regarding right of way onto Queen Street in the short and long term. Disruption during construction process and limitations to the height and potential intensity of use upon completion. CIE has not consented to any such interference and this route which is used on an ongoing basis to access both the immediate low yard area and the balance of CIE landholding at Ceannt Station.

6.1.3 The Third of the third-party appeals is submitted by Mr Brendan Mulligan, Chartered Engineer. Grounds of appeal are summarised as follows:

- Object to the proposal on ground that it is socially, environmentally and economically unsustainable development.
- 10 key principles of the Planning Policy Statement 2015⁴ have been ignored.
- Proposal is in direct contravention of the Galway City Development Plan 2017-2023.
- No statutory local area plan prepared by Galway City Council for significant lands in Galway City centre including the inner harbour lands.
- Denial of public rights under the Aarhus Convention to participate in the framework plan for Ceannt Station and the inner harbour lands.
- Developer led rather than plan led.
- The development will not contribute to achieving the objectives of the draft National Planning Framework. Proposal and decision to grant was made constitutes “*business as usual*”.⁵
- Will not contribute even one home to address Galway’s Housing need.
- The development will not contribute to achieving the objectives of the National Mitigation Plan.⁶
- Development will not be socially environmentally or economically sustainable.
- Permitting student accommodation on the Inner Harbour lands will effectively displace people who wish to work and live in the city centre condemning them to distant commute and thereby contributing to urban sprawl.

6.1.4 The fourth third party appeal is submitted by An Taisce Galway Association.

Grounds of appeal are summarised as follows:

- Development impacts negatively on the adjacent protected structures and ACA, due to height scale and density. Extreme overshadowing and

⁴ Planning Policy Statement 2015 Department of Environment, Community and Local Government. <http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload,39991,en.pdf>

⁵ In reference to Project Ireland 2040 National Planning Framework <http://npf.ie/project-ireland-2040-national-planning-framework/>

⁶ In reference to National Mitigation Plan, Department of Communications Climate Action and Environment, July 2017. <https://static.rasset.ie/documents/news/national-mitigation-plan-2017.pdf>

overlooking. Note abrupt shift in professional assessment with regard to architectural conservation assessment.

- Proposal is in material contravention of policies aims strategies and objectives of the Galway City Development Plan 2017-2023.
- Facilitates are unsustainable urban development for a key regeneration area and lack an overall masterplan win material contravention of the Galway City Development Plan 2017-2023.
- Development lacks critical engagement and shared approach with buy in from all key regeneration area landowners and stakeholders.
- Concerns over unrealistic site traffic management.
- Contaminated soil and groundwater.
- As a 100% student accommodation scheme the proposal does not address city centre need for housing nor does it promote sustainable urban development. Contravenes objectives of GCDP regarding the priority of sustainable City Centre neighbourhood and community development.
- Framework plan is not a masterplan.
- Management of traffic is not addressed.
- Evident lack of buy in by relevant stakeholders and landowners.
- Development is premature with regard to the lack of a definitive and cohesive overall masterplan; LAP led planning process is necessary to ensure urban sustainability in these areas
- Concerns regarding contaminated soils.

6.2 Response

6.2.1 Applicant Response

6.2.1.1 The responses on behalf of the first party submitted by Stephen Little and Associates with response from NRB consulting engineers with regard to traffic issues is summarised as follows:

- As regards the appeal by VP Motors the issued raised were addressed in request for further information. The applicant contests the claim of VP Motors and in any event, this is a civil matter. Notably the claim of ownership is by virtue that they

occupied the lands in question and there is no formal substantiation to their claim of ownership. Notwithstanding this it is noted that the land claimed by VP Motors is part of the public road, is open to the public and in use for pedestrians and for parking.

- Statements regarding traffic are anecdotal and without foundation.
- Transportation Assessment report and preliminary mobility management plan concluded that there are no adverse traffic / transportation capacity or operational issues associated with the opening of the development.
- Council's Transportation Department report notes that the development accords with the principles of the Galway Transport Strategy 2016-2035.
- Proposed development is consistent with the land use zoning of the site.
- Proposal in conjunction with adjoining office development proposal provide a suitable streetscape to active city street.
- Appropriate taxi pick up and drop off can operate efficiently avoiding conflict with public realm and the use of Queen Street and neighbouring streets.
- The off road enclosed service area provides appropriate accessibility to service yard by a range of vehicle types.
- Improvements to the public realm compliments intentions for the Docklands area.
- Development provides for reduction of road widths to provide traffic calming and prioritisation of pedestrians and cyclists over vehicles which is a main principle of the Design Manual for Urban Roads and streets.
- Development represents a plan led approach to development in Galway City and is consistent with and in accordance with the policies and objectives of the NPF 2040.
- Refute assertions that the proposal represents a material contravention of the development plan or does not comply with the National Policy Framework.
- There is no requirement for a local area plan. A masterplan is deemed to be the appropriate planning tool and the framework plan is consistent with the requirements as set out.

- Framework plan is a non-statutory document which provides for plan led development
- Acceptable impact on protected structures ACA and Archaeology.
- Height of building represents a sequential transition from the existing urban form to the new dockland regeneration area towards the waterfront
- Sunlight Daylight and shadow analysis demonstrate no significant adverse impacts on the surrounding environment.
- Provision for student accommodation is a recognised area within the residential sector in which greater provision is needed. This will also lift the burden on the private rented sector.
- Location within a highly accessible city centre location served by public transport cycling and walking will assist in creating a critical mass at this location to support the development of Galway in general and the nearby transport interchange.
- In relation to appeal by CIE raising concerns in relation to interference with right of way. The docklands area is earmarked for regeneration will result in inevitable disruption will arise from construction related activity. Double height space created as part of retaining right of way has been deemed adequate to facilitate the movement of cars vans and small lorries.

6.2.2 Planning Authority Response

6.2.2.1 The Planning Authority response to the appeal asserts that the issues raised in the appeals have been given due consideration during the planning process.

The decision of the planning authority to grant permission with conditions followed in-depth and extensive assessment of all planning issues. Student accommodation is a residential use and is fully in compliance with the core strategy / settlement strategy and housing strategy outlined in the Galway City Development Plan 20217-2023 and in accordance with the NPF 2017-2040. The Planning Authority has no statutory obligation to carry out a Local Area Plan for the Inner Harbour

Area nor is it considered to be a necessary requirement. The submitted framework plan included for a number of headline details to allow for the development to be acceptable with respect to contribution to the master planning of the area taking into consideration the context of the overall goals of the Galway City Development Plan which includes the aspiration for co-ordinating and master planning of the Inner Harbour. In relation to claim of ownership of lands by VP Motors notes report of Transportation and Infrastructure Section of Galway City Council which contends that the area claimed by VP Motors forms part of the public road. Section 34(13) of the Planning and Development Act refers.

7.0 Assessment

7.1 The main issues that arise for assessment by the Board in relation to this appeal can be considered under the following broad headings:

- Principle of Development in the context of Development Plan and specific requirements at 10.2.2. in relation to the redevelopment of the Inner Harbour Area.
- Design, plot ratio, height and impact on visual amenity and cultural heritage
- Standard of accommodation
- Traffic and transport
- Site Remediation
- Other Matters
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The proposed development is acceptable in principle in the CC- City Centre zoned area which encourage a wide mix of uses that support the city centre as the dominant commercial area of the city. The provision of a residential use will support existing facilities and services to improve the overall vibrancy and vitality of the city centre. I note that the proposed development is submitted concurrently with the adjoining proposal ABP 300275-17, and is intended to provide for the requisite 30% residential component⁷ in the context of that proposed scheme. I have noted the submissions of the third parties which question the appropriateness of the provision of student accommodation as opposed to permanent residential homes at this

⁷ Galway City Development Plan 2017-2023, At 10.2.2 Inner Harbour Area requires that “the use mix of any redevelopment proposal should provide for a minimum residential content on the site equivalent to 30% of the proposed gross floor area in order to achieve a significant level of residential presence and a critical mass to create a new community.

location. The arguments are presented regarding the shortcomings of such accommodation (occupied by students during term time and tourist / students during holiday period) in terms of the creation of community given the transient nature of occupants. I further note that the support for such schemes has been questioned in light of evidence of overpricing and exclusivity. Such arguments, however evidence based, are beyond the remit of the current appeal which has to focus on the acceptability of the proposal in terms of the proper planning and sustainable development of the area. I note that there is merit in the argument, as expounded by both the applicant and the planning authority, that the provision of purpose built student accommodation will free up the private rented residential stock for the normal housing market. Notably the need for the provision of purpose built student accommodation is identified within the National Planning Framework⁸ which notes that demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. Thus, I conclude that in terms of the principle of development, there is significant policy support for this type of development.

7.2.2 As regards the requirements for the development of the Inner Harbour Area as set out at 10.2.2, of the Galway City Development Plan 2017-2023, I note the requirement for a masterplan for the overall site “*which will address the critical issues that will contribute to making this a successful place*”. *The plan will address critical issues including sustainability, protection of adjoining European Sites, access to urban design context, maximum building heights, massing, appropriate use mixes, high quality public realm, industrial heritage, climate adaption measures and likely phasing of construction.*”

7.2.3. The third-party appellants are critical of the submitted *Inner Harbour Framework Plan*⁹ claiming that it is not a masterplan and point to a democratic deficit in terms of

⁸ Project Ireland 2040 NPF <http://npl.ie/project-ireland-2040-national-planning-framework/>

⁹ The Galway Inner Harbour Area Framework Plan BDP was prepared as a precursor to planning applications 300275-17 and 300613-18 to demonstrate how the City Development Plan objectives will be applied to the urban design of the inner harbour area. The plan seeks to satisfy the stated development plan requirements for a master planning within the inner harbour regeneration area.

the absence of a local area plan for the inner harbour lands and lack of public participation in the evolution of the Framework Plan. The third parties further refer to the lack of buy in by key stakeholders, in particular CIE. The unique (“*once in a lifetime*”) opportunity presented, given the character and context of the appeal site is stressed by the third parties and in this context, it is contended that a common goal should be arrived at through a democratic local area plan process.

7.2.4 Whilst I acknowledge the merits of these arguments, and acknowledge that best practice urban regeneration projects incorporate social inclusion and public participation in the earliest design stage, I concur with the Planning Authority that the development plan as configured does not envisage nor require the process of a local area plan. Rather it is clear from the development plan wording, (10.2.2. Inner Harbour Area) that the requirement is:

“In advance of specific proposals for development, a masterplan will be prepared for the overall site which will address the critical issues that will contribute to making this area a successful place.

This plan will address the critical issues including sustainability, protection of adjoining European Sites, access, urban design context, maximum building heights, massing appropriate use mixes, high quality public realm, industrial heritage. Climate adaption measures and likely phasing of construction. The preparation of this plan shall be the responsibility of the applicant in consultation with the local authority, adjoining landowners and stakeholders. This will build on the acknowledged co-operation existing between the harbour landowners and Ceannt Station landowners, which includes for a common objective to have a co-ordinated and integrated approach embedded into future proposals.”

7.2.5 I have noted a sense of disenfranchisement evident in the third-party submissions based on the lack of a public participation strand in the evolution of the Inner Harbour Framework Plan and in the absence of a statutory Local Area Plan for the Inner Harbour Area. This is clearly regrettable in terms of demonstrating a discordant relationship between planning and citizenship and local democracy. However, the sense of disempowerment of local citizens is a much wider debate beyond the

realms of the appeal case in hand. In the present context, I consider that the master planning requirements as set out in the development plan have been met in terms of the submitted Inner Harbour Framework Plan.

7.2.6 As regards locational aspect, the third parties argue in favour of more appropriate locations for student housing. In my view however, the location is ideal in terms of its proximity to major transport nodes, Ceannt Station and the City Centre and within a reasonable distance of third level institutions. The proposal is consistent with the provisions of the development plan, which supports the provision of *“high quality professionally managed purpose-built student accommodation both on and off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes, in a manner that respects the residential amenities of the surrounding area.”* Furthermore, I note the merits of the argument that the provision of this student accommodation scheme will act as a catalyst for further residential development within the Inner Harbour Area. I conclude that the proposed development clearly addresses an identified need for additional student accommodation in the city and is therefore considered acceptable in principle at this location.

7.2.7 On the basis of the foregoing I consider that the first party is correct in the assertion that there is no fundamental conflict in principle with the objectives of the development plan. Thus, it is appropriate to advance the assessment to the detail of the proposed development.

7.3 Design, plot ratio, height and Impact on Visual Amenity and Cultural Heritage.

7.3.1 The plot ratio associated with the proposed development is 3.63:1 which is significantly in excess of the permitted maximum as set out in the development plan of 2:1. The Development Plan at Section 11.4.2 provides for exceptions where increased plot ratio will be permitted. *“In the CC zone consideration will be given to development proposals in excess of the normally permissible plot ratio where such*

proposals would contribute to urban regeneration or make a significant contribution to urban character, this excess will be interpreted as a proportional increase only.” I note that plot ratio is a somewhat crude instrument in terms of measuring density and the avoidance of the adverse effects of overdevelopment. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed to its context. Such wider considerations furthermore inform the issue of whether this proposal contributes to urban regeneration or makes a significant contribution to urban character. In this regard it is appropriate to rely on the qualitative factors defining built form including height, open amenity space provision, and standards of public realm.

7.3.2 In relation to building height, this is addressed at 8.7 Urban Design within the Galway City Development Plan 2017-2023, where it is noted that the scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from the city’s skyline and impinge on strategic views. In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height, however it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities. The development plan sets out four key principles to be considered when assessing capacity for height as follows:

- Protection of existing built and natural heritage and residential amenity.
- Creation of landmarks that enhance the city’s legibility without eroding its innate character
- Retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations.

- Promotion of higher density at centres / nodes of activity on large scale infill sites and along public transport corridors.

The plan notes that “*areas where major change is anticipated to occur such as at Ardaun, Murrough, Ceannt Station and the Inner Harbour may present opportunities for increased heights. As these are major development areas, there is potential for these areas to establish their own distinctive character. Such height increase will only be considered in the context of an LAP in the case of Ardaun and Murrough and in a master plan in the context of Ceannt Station and the Inner Harbour. Any development proposals for buildings above the prevailing benchmark height will be required to be accompanied by a design statement outlining the rationale for the proposal and an assessment of its impact on the immediate and surrounding environment including buildings, open space, public realm and any views.*”

7.3.3 I consider that having regard to the characteristics of the site, in particular the topography of the area, detachment from established residential properties and location within the inner harbour, the opportunity to provide for taller building volumes exists. I have reviewed the Framework Plan in detail and the design statement and I consider that the approach in terms of the building height strategy has been justified.

7.3.4 I note a number of particularly positive aspects of the design strategy which is based on the vision, as set out within the urban design statement, to create an urban student village around a series of clustered residences that provide a high-quality student experience. The arrangement of accommodation into two urban blocks connected by a vibrant and active street at ground level offers work and common space to encourage a “sophisticated collegiate atmosphere”. In terms of materials the proposal provides a simple brick finish of tones to compliment but differentiate the limestone finish of the adjacent Methodist Meeting Hall. A high-quality metal finish is proposed to windows doors and panels. Roof finish comprises a durable metal roof with standing seam and flashing of same material throughout. I note the amendments provided to the design of the colonnades along Queen Street to provide for different colour and material to the reveals providing additional animation and interest.

7.3.5 In terms of detailing, the design mitigation as outlined provides that the scale is minimised by the introduction of pitched roofs which are intended to break up the elevation and create the impression of smaller units. The first party asserts that the impact on the adjacent Methodist meeting hall is further minimised by the creation of an exaggerated downward plane to the north-west corner, the angle of which is aligned with the existing pitch of the meeting hall. In my view the resulting interface is successful in terms of acknowledging the protected structure and I would tend to concur that the proposal creates an interesting dialogue between the established and new structures.

7.3.6 The Visual Impact Assessment compiled by Arc Consultants Ltd. addresses the potential impact and cumulative impact with the adjacent proposed office development. The assessment rates the potential impact from 14 viewpoints and these ratings vary from “moderate impact” to “none”. In terms of the impact on the adjacent protected structures the assessment refers to a “negative significant and long-term impact”. I also note the supplementary visual impact assessment by John Cronin and Associates which disagrees with the original conservation report as regards a “negative significant and long term” impact. It is asserted that the proposal will merely give rise to a noticeable change of setting and as demonstrated through in examples outlined such as St Patrick’s Cathedral, NY, historic buildings can maintain significance, prominence and can contribute to high quality urban realms even when the original historic context or setting is radically altered or changed. The cumulative impact is deemed to be neutral to slight. The report further notes that from an urban perspective the site is currently blighted and surroundings do not represent a conducive or welcoming realm. The proposed development will be positive and in tune with development plan goals for the area namely the encouragement of a strong identity through innovative good contemporary architecture, good street network and high quality public realm. In my view these arguments are reasonably based. Whilst the proposed development will clearly radically alter the original setting the development provides an appropriate setback and contextual arrangement in respect of the adjacent protected structures.

7.3.7 I consider that in terms of the visual impact the proposal is of a high standard and is suitably designed for its context. Whilst providing for a high standard of modern

accommodation it clearly reflects traditional building patterns and its context. The provision of active uses at ground floor level in the form of commercial start up space, colonnaded seating areas will significantly increase activity. The proposal provides for significant enhancements to the public realm and improvements to permeability. In my view the proposed design is successful from an urban design perspective.

7.4 Standard of Accommodation

7.4.1 As regards the level of accommodation provided, the building form provides a total of 44 no student unit clusters (345 no bed spaces). Clusters range from 6, 7, 8 and 9 ensuite study bedrooms per unit. Typical bedroom size is 11.35sq.m with 17 accessible rooms generally 24sq.m./ Kitchen / living areas are in the corners of each block availing of the opportunity of great dual aspect views. The development complies with the standards set out Department of Education and Science Guidelines on Residential Development for third level Students 1999 and the review document of 2005.

7.4.2 Amenity space is provided in ground floor activity space, social space, physical exercise space, active amenity, areas, common room space, roof top landscaped terraces, meeting space. Garden terraces are provided at level 01 and on the roof of the southern block. The level 01 terrace garden is the largest garden and is orientated south east with distant views towards the waterside.

7.4.3 The proposed purpose-built development complies with the relevant guidance and I consider that it will provide an adequate and appropriate level of accommodation for students.

7.5 Traffic and Transport

7.5.1 Issues have been raised within the grounds of appeal regarding the potential for traffic congestion arising from the nature and intensity of development and the lack

of car parking provision within the proposal. The adequacy of circulation and set down areas have been questioned. I note the wider policy context which seeks to progress sustainable transport solutions for the city through the implementation of the Galway Transport Strategy. In line with national policy the transport strategy supports a fundamental shift towards sustainable travel and reducing car dependence. Clearly the proposed development, which relies on sustainable transport modes, accords with this policy context. I consider that the submissions on behalf of the applicant have demonstrated that the trip rates arising from the proposed development will have a negligible impact on traffic flows on the local street network. Having reviewed all the submissions, I consider that it has been demonstrated that adequate set down and servicing arrangements can be put in place to appropriately service the development and in my view the proposal is acceptable from a traffic and transport perspective.

7.5.2 As regards impact on existing business I note the brownfield nature of the site and location within an area zoned for redevelopment and regeneration and consider that whilst a level of disruption and disturbance will arise during the construction period this can be appropriately managed and mitigated. As regards operational traffic I consider that necessary measures in line with normal traffic and transport strategies will appropriately mitigate impacts arising and I conclude that the development is acceptable from a traffic and transport perspective.

7.6 Other Matters

7.6.1 Two of the third parties (VP Motors and CIE) raise issues with regard to ownership and legal rights of way and such entitlements. VP Motors claim ownership of the section of ground identified on maps accompanying the appeal, currently used for parking and display are for the car sales / hire business. Part of the proposed building will be located within this area and the new cycle lands and footpaths indicated on site layout drawings also traverse these lands. The applicant in response to the appeal contests the claim of ownership. The submissions on behalf of the planning authority assert that this area forms part of the public roadway, however this is strongly refuted by VP Motors.

7.6.2 As regards the appeal by CIE, the appeal objects to interference with CIE's legal rights regarding its right of way onto Queen Street in the short term (disruption during construction process) and long term (in terms of limitations on height and potential intensity of use on completion). I note that the first party in response has correctly affirmed that disruption is inevitable during the construction process having regard to the nature of the regeneration lands. The double height space created to maintain the Right of Way (c 6m) will facilitate movement of cars, vans small lorries for parking and general access. Notably future redevelopment of the wider Inner Harbour lands will of necessity include a new road network to facilitate access and in my view the level of access provided is appropriate in the context of the wider development area.

7.6.3 On the question of contested land occupied as parking / display area by VP Motors, I cannot adjudicate on the opposing claims. I would note in response to issues regarding legal interest in both appeals that all the matters raised are essentially civil matters between the parties and are not strictly matters for determination within the scope of planning legislation. In this regard I would refer the parties to Section 34(13) of the Planning and Development Act 2000, as amended as follows: *"A person shall not be entitled solely by reason of a permission under this section to carry out any development."*

7.6.4 On the issue of flood risk the application is accompanied by a flood risk assessment by Punch Consulting Engineers. The assessment notes location of the site partially within Flood Zone A and remainder of the site being within flood zone B. The portion of the site within flood zone A is the vehicular circulation route around the building. The upper floors project over this route from the second floor. No residential development is proposed on the ground floor.

7.6.5 In terms of the justification text in the context of *The Planning System Flood Risk Management Guidelines for Planning Authorities*¹⁰, it is noted that the site is zoned for city centre uses and a strategic flood risk assessment was carried out as part of the City Development Plan 2017-2023 process as part of which areas at risk of flooding were reviewed and subject to the justification test.

7.6.6 In terms of the site-specific assessment the first party submits that the Development will not increase flood risk elsewhere. While the development may lead to some loss of storage on the flood plain from a tidal perspective these losses are insignificant when compared to the volume of water entering Galway Bay during a storm surge. Water levels in the flood plains will be dependent on the level of the storm surge, the volume of water entering the harbour rather than the provision of storage. Thus, it is argued that the development will not influence flood risk elsewhere during a tidal flood event. The relatively small runoff (which incorporates green roofs) from the development will be discharged to the public surface water system which in turn will discharge to the coastal waters in Galway Bay. Discharging surface waters to Galway Bay will not change the flood risk in Galway Bay.

7.6.7 In terms of the justification test it is asserted that in assessing the development one must have regard to the nature of the development (providing student accommodation close to transport hub) the low risk of the floodwater inundation from a severe flood event and the short duration of such a flood event. In terms of alternatives relocation of the development elsewhere away from city centre and transport hub would be the antithesis of proper planning and sustainable development.

7.6.8 Mitigation measures to minimise flood risk are outlined. The main mitigation is raising finished floor level above the future flood levels and providing protection to vulnerable infrastructure. It is noted that the highest recorded water level to date was 3.6m AOD however it was likely that water levels were much higher due to wave

¹⁰ The Planning System and Flood Risk Management Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government. OPW. November 2009.
<https://www.opw.ie/media/Planning%20System%20and%20Flood%20Risk%20Management%20Guidelines.pdf>

action. The Western CFRAMS notes that the future 1:200-year flood level will be 4.27m AOD in Galway with a medium range change scenario while the estimates for the 1:200-year event in the high-end future scenario is 4.77m AOD. The finished floor of the ground floor is 4.77m which it is argued allows sufficient freeboard for hydraulic uncertainty, wave action and a change from a mid-range climate change scenario to a high range climate change scenario. It is considered that the requirements of the justification test have been met and based on details submitted the residual risks can be successfully managed and there are no unacceptable impacts on adjacent lands.

7.6.9 On the issue of site remediation the application documentation details note that arising from the former industrial use of the site, soil has been left contaminated and will require remediation works before development can commence. As the site is reclaimed land, the soil composition has a high level of ground water present which will also affect the construction process. This has had a large impact on the viability for redevelopment. I note that the application is accompanied by an Environment and Human Health Risk Assessment compiled by Awn Consulting which sets out the to assess the current environmental condition of the site with focus on the nature of any potential environmental liabilities at the site that may be relevant to the redevelopment of the site. Based on historic use of the site as a gas storage facility adjacent to an oil / fuel depot train depot and use as a garage on part of the site, the assessment follows the general approach in the EPA guidelines for assessing environmental risk outlined in EPA Contaminated Land and Groundwater Risk Assessment Methodology (2013). This guideline is based on developing a sound conceptual site model for the site which then allows understanding of any source pathway receptor linkages to be identified and assessed.

7.6.10 Site data confirms that the shallow deposits (made ground and fill material) and shallow water table have been contaminated due to historical use of the site in gas works and other industrial activities on adjacent sites. Further representative soil sampling will be undertaken during redevelopment works and any contamination 'hotspots' either removed to a licenced facility or mitigation such as capping with clean low permeability material / geotextile liner implemented in the project design. The impact on waters (aquifer and Galway Bay) is deemed to be low-moderate.

There are no downgradient water abstractions and unlikely for any to be developed as public water supply is available in the area. Any identified hot spots will be removed and overall the removal of a significant quantity of contaminated soil on the adjacent site will result in an improvement in soil conditions due to previous historical uses of both sites. Any residual contaminated groundwater will continue to migrate horizontally towards the bay down gradient of the site but concentrations will be reduced by reduced infiltration (from site capping) attenuation, natural bio remediation and significant dilution. The report concludes that the site assessment and model assessment show that further to the additional investigation and possible mitigation during redevelopment works, the proposed site is suitable for redevelopment for above ground residential development.

7.7 Appropriate Assessment

7.7.1 The application is Appropriate Assessment Stage 1 Screening Report compiled by Aquafact dated April 2017. Sites within 15km of the appeal site are identified and assessed in terms of their Qualifying interests / Special Conservation Interests.

7.7.2 In relation to the identification of the sites which would be potentially affected using the source pathway receptor model, the following sites are screened out on the basis of the absence of pathway for interaction.

- Galway Bay Complex cSAC (Site Code 00028)
- Lough Corrib cSAC (Site Code 000297)
- Lough Fingall Complex cSAC (Site Code 000606)
- Ross Lake and Woods cSAC (Site Code 0001312)
- East Burren Complex cSAC (Site Code 001926)
- Connemara Bog Complex cSAC (Site Code 1150)
- Lough Corrib Bog SPA (Site Code 004042)
- Creganna Marsh SPA (Site Code 004142)

7.7.3 In relation to the Inner Galway Bay SPA (Site Code 004031) a number qualifying interests were screened out on basis of absence of pathway for interaction due to habitat preference. Four qualifying interests were screened in on the basis of their potential to forage or be present on/near the development site, namely the Black Headed Gull, Common Gull, Sandwich Tern and Common Tern.

7.7.4 In relation to the Common Tern and the Sandwich Tern it is outlined that while terns have the potential to be in the vicinity of the site given location near the city docks, the levels of noise from construction and operation phases of the development will be similar to those currently experienced. It is asserted that the proposed development does not pose any risk to the common tern and sandwich tern breeding population and the conservation objective and overall integrity of the SPA will not be impacted by the proposed development. These qualifying interests can be screened out and do not require Stage 2 AA.

7.7.5 In relation to the Black Headed Gull and Common Gull while gulls have the potential to opportunistically feed in and around the site the nature of the site does not lend itself to being a valuable resource for gulls. Any avoidance during construction phase will not have a significant impact. Levels of noise during construction and operation similar to those currently experienced. The proposed development will not pose any risk to the black headed gull population or the common gull of the Inner Galway Bay SPA and the Common Gull the conservation objectives and overall integrity of the SPA will not be impacted on by the proposed development. The Black Headed Gull and Common Gull are therefore screened out and do not require stage two AA.

7.7.6 As the proposed development will not have any significant impacts on any of the qualifying interests or special conservation interests of the nearby Natura 2000 sites, it cannot have any cumulative impact with other proposals planned or ongoing to those Natura 2000 sites. The screening statement concludes that the impacts from the proposed development will not have any significant effects on the nearby Natura 2000 sites, their qualifying interests / special conservation interests, or conservation objectives. The screening assessment has concluded that Stage 2 AA is not required.

7.7.7 It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Inner Galway Bay SPA (Site Code 004031) or any other European site, in view of the site's conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

8.1 Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

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 the proposed development would not result in an excessive density of development on the city centre site and that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of adjoining property, would be acceptable in terms of impact on 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 10th day of November 2017, 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. 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 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 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 the 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 Galway City Council 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 a professional 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 interest 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 the commencement of development. The agreed lighting system shall be fully implemented and operational before the development is made available for occupation.

Reason: In the interest 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 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.

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:

(a) Location of the site and materials compound including area 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 parking / transport facilities for site workers during the course of construction

(e) Details of 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 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 specifically 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.

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.

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 development, the developer shall submit final details to the planning authority for approval of the specific management regime, for the student accommodation hereby approved.

Reason: In the interest 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 approval of the planning authority and the developer, or in default of agreement, shall be referred to An Bord Pleanála for determination.

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 the commencement of development, the developer shall submit 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 interest 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.

Bríd Maxwell

21st June 2018