

An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-300845-18

Strategic Housing Development

Demolition of existing Westwood Hotel and redevelopment of the site for student and self-catering holiday accommodation to include 53 apartments with 394 bedspaces and all ancillary facilities including commercial unit

Location

Dangan, Newcastle Road, Galway City

Planning Authority

Galway City Council

Prospective Applicant

NTM ROI Seed Capital LP

Date of Consultation Meeting

16th March 2018

Date of Site Inspection

9th March 2018

Inspector

Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The proposed development is located in the townland of Dangan, along the Newcastle Road within the jurisdiction of Galway City Council. The site is approx. 2.3km north west of Galway City, located at the junction of the N59 and R-864. There is an existing three/four storey hotel on the development site known as the 'Westwood' hotel which it is proposed to demolish. The applicant indicates this hotel has been in operation since 1999. The stated site area is 0.8044ha. in the application form.
- 2.2 The site is bounded by the Newcastle Road (N59) to the north, Thomas Hynes Road to the east, residential development 'Dún Dangean and Tudor Lawn' to the west. There is an existing brownfield site with an access from 'Tudor Lawn' into a section of the current development site which is currently separated from the hotel development. Access to the hotel site is currently from the N59 with parking to the front, eastern and rear boundary of the site.
- 2.3 The IDA Galway Business Park and NUIG Northern Campus is located to the north and north east of the site. The NUIG Sports Pavilion is located ca. 300 metres north-west of the site. The area is characterised by residential development.
- 2.4 There are public footpaths along Newcastle Road and Thomas Hynes Road with public lighting. There is a bus stop located to the south-east section of the site along Thomas Hynes Road and provides an hourly service to the city centre.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 8.0 hectares will be developed to accommodate a total of 53 apartments with a total of 394 bedspaces.

Figure 1:

Unit Type	No. of Units	Gross Floor Area
4+ bed	53 apartments / 394 bedspaces	11,376sq.m.
Commercial retail	1 unit	137 sq.m.

4.0 Planning History

History associated with site

There is extensive planning history with the development site outlined in the documents submitted by the prospective applicant. There are existing telecommunication structures on the site which have been the subject of various

applications over the years. The following is a brief synopsis of the more recent history files:

File Ref. No. 11/98 Permission granted by Galway City Council for the retention of existing telecommunications equipment consisting of 6 no. antennae, 5 no. dishes and associated equipment cabinets located at roof level.

File Ref. No. 10/255 Permission granted for the retention of the existing 6 no. antennae plus 1 link dish and associated equipment cabinets in 2010.

File Ref. No. 00/698/PL61.24475 Permission granted for a 4 storey over basement apart-hotel extension to include leisure centre facilities and staff administration offices, meeting rooms etc. Decision to grant permission upheld in March 2002.

File Ref. No. 97/434 Permission granted to T. Sweeney for a three storey 50 bedroom hotel extension with conference rooms, public bar, residents bar, restaurant, kitchen and ancillary area, car parking for 114 no cars and 3 no. coaches.

File Ref No. 95/209/PL.61.096373 Permission granted to Michelle Casey for development consisting of two/three storey blocks containing eight apartments and eight maisonettes with entrance off Tudor Lawn at corner of Tudor Lawn, Thomas Hynes Road. This permission was not implemented.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The Galway City Development Plan 2017-2023 is the statutory development plan for the area. Section 11.29 deals with student accommodation.

5.2.2 The City Council supports the provision of high quality, professionally managed purpose built student accommodation 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.

5.2.3 The plan also provides that student accommodation should be designed to be attractive, accessible, safe, and minimise adverse impacts on the surrounding areas while creating mixed, healthy and inclusive communities.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

- 6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2 The information submitted included *inter alia*: a completed application form; cover letter, letter of consent from Galway City Council, letter from NUI Galway, Confirmation of feasibility from Irish Water, Planning report and Statement of Consistency, Appropriate Assessment Screening Report, Ecological Impact Assessment, Student Accommodation Management Plan, Energy Statement, Arboricultural Assessment, Construction and Demolition including Operational Waste Management Plan, Acoustic Report, Engineering service report, TIA and Mobility Management Plan, Architectural and Urban Design Report, Landscape Design Report and View Montages, A3 booklet of drawings, Architectural drawings as per schedule and landscape and engineering drawings as per schedule.
- 6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

- 6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Galway City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 7 March 2018.
- 6.2.2 The planning authority's opinion included a record of the section 247 consultations and planning history associated with the site. It also included reference to the following issues:
- Zoning – The site includes two zonings: R- Residential which pertains to approximately 45% of the site and C1 – Commercial which pertains to approx. 55% of the site. It is set out that “hotels and residential” would be uses that are

compatible with and contribute to the zoning of the area. While 11.2.6 relating to 'C1' zoning states "residential content of a scale that would not unduly interfere with the primary use of the land for C1 purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2". It is considered that the planning history and zoning objectives of the site do allow for the consideration of the proposed development which is of a commercial residential nature subject to ensuring the protection of the residential amenities of the area.

- **Local Planning policy:** The report cites section 11.29 from the City Development Plan pertaining to student accommodation and also policies in relation to existing suburbs.
- **Site Location –** The site is in close proximity to NUIG which has over 18,000 students most of who are accommodated privately off campus. There is a significant shortfall within the city for provision of suitable purpose built student accommodation close/within walking distance of the university.
- **Density/Plot ratio –** The applicant has indicated conflicting density/plot ratios in their submission "Planning Report and Statement of Consistency" in particular page 40 indicates a site area of 0.80ha or 8044m² while page 41 states a site area of 6699m². It is set out that taking the site area as 8044m² not including the public roadway and a gross floor area of 11,379m² generates a plot ratio of 1.41:1 on the overall site both R and C1. The proposed gross floor area would exceed the normally permitted allowance by 24.3%. It is also open for consideration within the development plan to exceed plot ratio due to specific issues i.e. location at main junctions/roadways and proximity to public transportation. However, the exceedance level is of concern to the planning authority.
- **Height/Overlooking –** It is considered that this is a significant site, flanked by major roads, a higher level building can be accommodated adjacent to both of these roadways and would be acceptable from a visual impact and public realm view. The applicant has revised heights during consultations to have regard to the existing residential properties.
- **External finishes –** The selection of external finishes should acknowledge the harsh maritime climate experienced in the city. More detailed proposals for materials should accompany the application.

- Comments from Recreational and Amenity Department – Concerns remain regarding facilities for children and younger adolescence who may be travelling as tourists. The car parking will have a dual function and will also act as active sport recreation. It is unclear how this is to be managed. The anticipated growth spread of trees should be indicated. There are trees located on public margins outside the applicant's control however are integral to the development. Applicant has consent to construct paths in these spaces which will impact on trees. It is proposed that the applicant remove the popular trees and replace them with new sustainable tree avenue.
- Operation of accommodation – A detailed management plan for the control of movements, noise and other activities during and outside of term is essential.
- Commercial element – The coffee shop should be made available to the public and should be physically accessible from the public road/footpath.
- Transportation – Access is considered acceptable. Car-parking is considered acceptable. Clarity required as to how tourist transportation needs would be managed.
- Lighting – Detailed lighting scheme required.
- Other structures – Location of boiler houses and ESB stations should be indicated along with assessment of noise generation from these elements with regards to the amenity of adjacent residences.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Galway City Council on 16th March 2018, commencing at 11.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Standards to include unit typology, size and layout, residential/tourist amenity including access to communal facilities
2. Landscaping and recreational amenity

3. Parking and bicycle storage

4. Any other matters

- 6.3.3 In relation to development standards, ABP representatives sought further elaboration/discussion on this matter having regard to unit typology proposed particularly the high concentration of 8 bed units proposed; quantum, distribution and compatibility of communal facilities; and details pertaining to the management of the overall scheme.
- 6.3.4 In relation to landscaping and recreational amenity, ABP representatives sought further elaboration/discussion on this issue having regard in particular to the dual function and management of the parking spaces and creation of high quality amenity spaces.
- 6.3.5 In relation to parking and bicycle storage, ABP representatives sought further elaboration/discussion on number and management of parking and bicycle spaces.
- 6.3.6 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300845-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.

- 7.3 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the quantum, distribution and compatibility of communal facilities and their location within the overall development, creation of an attractive and accessible central hub, and the provision of a greater range of apartment types. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.
2. Further consideration and if necessary, further justification for, the quantum of car parking spaces proposed and management/operational details for the proposed dual functioning hard standing area. In addition, other traffic and transportation matters that should be addressed at application stage include, inter alia, the following: quantum of bicycle parking provision; access arrangements and parking/management of coach movements on site; potential conflict in pedestrian and vehicular movements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
3. Further consideration and/or justification of the documents as they relate to the proposed commercial element of the scheme, in particular relating to public accessibility and availability for use by the wider public. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and

Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Accurate calculation of the overall site area
2. A site layout plan which clearly indicates proposed vehicular and pedestrian access points to the site. Parking spaces should be clearly delineated.
3. Photomontages and cross sections showing how the development will interface with adjoining residential lands including public grass verges along Thomas Hynes road.
4. A site-specific student and tourist accommodation management plan which addresses, inter alia, use of parking spaces, access to communal facilities including recreational facilities.
5. Details of existing and proposed levels across the development site relative to adjoining lands.
6. A detailed roof plan providing details of any structures or plant proposed at this level.
7. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed.

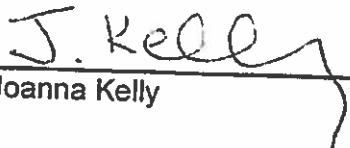
8. A construction and demolition waste management plan should be provided.
9. Details regarding occupancy rates particularly during the summer months when the accommodation is to be occupied by tourists.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.


Joanna Kelly

Senior Planning Inspector

29th March 2018