



An  
Bord  
Pleanála

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

### Inspector's Report on Recommended Opinion ABP-303961-19

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<b>Strategic Housing Development</b>	287 no. apartments and associated site works.
<b>Location</b>	Former Crown Equipment Site, Junction of Monivea Road and Joyces Road, Mervue, Co. Galway.
<b>Planning Authority</b>	Galway City Council
<b>Prospective Applicant</b>	Crown Square Developments Limited
<b>Date of Consultation Meeting</b>	18 <sup>th</sup> April 2019
<b>Date of Site Inspection</b>	11 April 2019
<b>Inspector</b>	Una Crosse

## **1.0 Introduction**

- 1.1. 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 overall site extends to 5.1 ha (area of Phase 2 is stated to be 2.02ha). This site is located in the north-east of Galway City in the Mervue area, at the junction of the Monivea Road and Joyces' Road (also known as Connelly's Avenue). The IDA Business Park and Mervue Industrial Estate are located to the west/south-west of the site and the Eircom Telecommunications complex adjoins to the north-east. There is a mixed use block of commercial/residential development directly adjoining the northern boundary of the site. Residential development is located to the east of the site along the Monivea Road. Previously permitted development had commenced on site and substantial works have been undertaken including the excavation of the overall site and the construction of part of the two-storey basement parking structure. The partially constructed upper basement and ground floor levels are stated to be at +26.8m and +30.8m OD respectively. The development was stalled on the site and has hoarding surrounding the site.

## **3.0 Proposed Strategic Housing Development**

- 3.1.1. The proposed development subject of this pre-application request provides for the development of a residential and commercial development. A ten year permission is sought for the development of 287 residential units within 3 blocks and the provision of commercial uses. It is proposed that the residential units may be either build to rent or may be a mix of build to rent and owner occupier. It is proposed to provide

communal amenity areas within the scheme with an overall area of 643 sq.m. The area of commercial use, fitness/leisure and neighbourhood centre is stated to 3,605 sq.m in total (note as outlined below this does not include the crèche).

#### Breakdown of Residential Units

Type	Number	% of total
1-bed	76	26.5
2-bed	181	63
3-bed	30	10.5

- 3.1.2. It is also proposed to provide communal amenity areas of 643 sq.m. This is stated to include concierge, lounge, WC's and Games and Movie Room. A crèche of 310 sq.m is proposed and is described as an ancillary residential facility.

#### Breakdown of Commercial Uses

Type	Area – Sq.m
Fitness/leisure Facility	1,310
Neighbourhood Facility	2,295
Restaurant (490 sq.m)	
Café (60 sq.m)	
local convenience store (225 sq.m)	
primary care facility (785 sq.m)	
pharmacy (200 sq.m)	
3 retail/commercial units (535 sq.m in total)	
<b>Total Commercial Area</b>	<b>3,605</b>
Crèche	310
<b>Total with Crèche</b>	<b>3,915</b>

- 3.1.3. The commercial uses are all located on the upper basement (Phase1)/lower ground (Phase 2) except 3 retail units which are located on ground/upper ground (road) level. The height and configuration of residential units is as follows:

Block Ref.	Height of Block	Number of Unit
G	8	104
H	7	137
J	5	46

3.1.4. Access to the basement levels is proposed at the southeastern corner of the site to the east of Block J. In addition the proposal as set out provides for the double basement with pedestrian, cyclist and vehicular access which serve both Phase 1 and Phase 2. This basement includes a high bay area for service, delivery and waste management vehicles in addition to provision of plant, 1,395 car parking spaces (918 – lower level, 406 upper level & 71 accessible) and 1,040 secure bicycle parking spaces, changing/shower areas and locker/amenity facilities. As outlined elsewhere in this report, the proposed basement includes alterations to existing structures on site which were permitted under Ref. 06/223 (PL61.220893). The proposed density is 142 units per hectare with a plot ratio of 1.44 on the overall site with 68% of units dual aspect. The stated area of open space is 1,917 sq.m.

## 4.0 Planning History

As noted elsewhere, the subject pre-application consultation comprises Phase 2 of the overall development of the lands with Phase 1 subject of a now extant permission as follows:

- 4.1. **Ref 18/363 (ABP-304182-19):** Ten-year permission sought for a mixed-use development comprising Phase 1 of a mixed-use scheme forming part of a larger landholding (5.1ha). The development consists of:
1. 5 blocks of commercial offices, 3-6 stories over ground floor level (40,405 sqm).
  2. hotel development, 5 floors over ground floor level (8,675 sqm).
  3. A double basement which to include a 'high bay' area for service, delivery and waste management vehicles; in addition to the provision of plant, car and bicycle parking, changing/shower areas and locker/amenity facilities (62,175 sqm),

incorporating alterations to the existing structures permitted under PI Ref. 06/223/ ABP Ref. PL 61.220893.

4. Public realm and landscaping works, including pedestrian and cyclist linkages.

5. Vehicular access/egress via Monivea Road and Joyces Road, public transport set-down areas and cycle lanes and all ancillary and site development works

Galway City Council (GCC) sought Further Information on 11th January 2019 a response was submitted on 18th February 2019 and permission was granted on 14 March 2019. One of the conditions was that permission was granted for 7 years. The decision was appealed by the applicant on 10 April 2019 but was withdrawn on 23 April 2019.

- 4.2. **Ref. 06/223/ ABP Ref. PL 61.220893:** Permission for the redevelopment of the existing Crown Equipment Site (5.12 Hectares) consisting of the construction of a mixed-use development (56,751 sqm), primarily of bulky goods retail, offices, 134 residential units, Motor sales, Hotel, Leisure Centre, Crèche, foodcourt with some small-scale retail uses for local needs along with ancillary parking (1340 no. spaces) and all associated landscaping, site works and services. Height of the proposal was two storeys overground along Monivea road and rising to four storeys overground towards the north western and north eastern perimeter of the site, with the entire development over two basement levels. Vehicular and pedestrian access from Joyces Road only. Permission was granted subject to conditions and extended under Ref. 12/277.

## 5.0 Planning Policy

### 5.1. National Planning Framework

- 5.1.1. Chapter 4 of the Framework addresses the topic of 'making stronger urban places and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve

stated outcomes, provided public safety is not compromised and the environment is suitably protected.

## 5.2. Section 28 Ministerial Guidelines

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 S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018
- Childcare Facilities – Guidelines for Planning Authorities

## 5.3. Galway City Development Plan

- The site is zoned CI - To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.
- Section 11.2.6 of the Plan outlines the considerations for the zoning with the Plan stating that the following Uses which may contribute to the zoning objectives, dependant on the CI location and scale of development, for example: Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2.
- The maximum site coverage in the CI zone is 0.80 and the maximum plot ratio is 1.25.
- Section 6.3 of the City Plan includes the retail strategy and designates a Neighbourhood centre on the site.
- Specific development objective for the site at Section 11.2.6 which states: Former Crown equipment Site zoned CI. The majority of retail floor space shall be dedicated for bulky goods retailing and the balance for local retailing needs.

Parking shall be kept back from Monivea Road and separated from the Monivea Road by buildings. The design of frontage facing Monivea Road shall be of high architectural standard.

## **6.0 Forming of an Opinion**

### **6.1. Documentation Submitted**

- 6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, Application form, Cover Letter, Letter of Consent from GCC, Planning Report and Statement of Consistency (including Meeting Minutes, Area Schedule and Housing Quality Assessment, Part V Proposals, Operational Management Plan, Outline Construction Programme), EIAR, Natura Impact Statement, Architectural Drawings, Engineering Drawings, Landscape Drawings, A3 drawing booklet, Architectural Design Statement, Photomontages, Engineering Planning Report with Irish Water CF, Compliance with DMURS, Traffic & Transportation Assessment, Mobility Management Plan, Flood Risk Assessment, Road Safety Audit,
- 6.1.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

The applicant's case is summarised as follows:

- Site location, description of overall development and context outlined in addition to planning history, pre-planning consultation and the development description is outlined;
- Proposed scheme comprises residential, leisure, local service and ancillary accommodation on an integrated campus with commercial office, technology and hotel use proposed as a phased development with Phase 1;

- Previous permitted development on the site no longer commercially viable and potentially inconsistent with current best practice residential design standards and guidelines;
- Proposed mix of uses mutually compatible and support viable completion of development on site as well as complementing existing adjacent land use with increased public access to the site facilities and amenities benefiting the community and city.
- Proposed units may be BTR or a BTR and owner occupier mix with precise mix and model yet to be developed with proposal benchmarked against Guidelines and relaxation in SPPR8 for BTR not been adopted in the design providing for adaptability in tenure over time;
- Leisure/fitness facility cited as appropriate amenity/use for BTR schemes with facility available to all site users and to the public;
- Proposed complementary and neighbourhood facilities proposed meet neighbourhood centre status of the site.
- Phase 2 development has split lower and upper ground levels (27.3m & 31.8m OD) over a single basement (lower) level facilitating separation of public open space and residential communal open space as well as basement ramp and infrastructural service design.
- Significant landscaped public open space separates the residential and associated development from Phase 1 (office & hotel) providing access to lower ground/basement level -1.
- Apartments proposed in 3 blocks forming 2, U-shaped garden courtyards at upper ground with height stepping back from Monivea Road with retail units addressing same.
- A centrally located public stair and lift connecting the main level -2 car park with the public open space at level -1 with the upper ground floor residential level has an access controlled entrance with the primary access to same from the communal open space;
- Heights range from 5 – 8 storeys on a relatively large site with extensive road frontage and open space and not regarded as excessive;



- Proposed to create a wider shared landscape margin between public road and building line with removal of leylandii with proposal to provide double row of semi-mature street trees to filter views of new buildings.
- Number of entrances into scheme to draw pedestrians in located close to public transport arrival points with internal permeability and linkage between two phases through variety of public open spaces with hierarchy of connected spaces with series of private residential communal courtyard gardens and linear public exercise path without outdoor gym stations proposed;
- Vehicular access proposed from both Joyce's Road and Monivea Road with no vehicular access at ground level save for emergency traffic;
- Proposal includes 1395 car parking spaces over two basement levels catering for both phases to be managed by an Estate Director to regulate allocation of parking spaces, with residential parking proposed at lower basement level and 1,040 bicycle parking spaces.
- Proposed development will be managed by a suitably qualified professional property management company;
- Given scale and complexity of proposal similar to Phase 1, applicant seeks a ten-year permission to maintain a level of flexibility and future market conditions.
- Proposed to transfer 29 units to comply with Part 5.
- Proposal complies with National Policy objectives in NPF, DMURS prioritising pedestrians and cyclists and providing good pedestrian permeability and connectivity,
- Proposal complies with Building Height Guidelines maximising infill sites at sustainable densities to facilitate compact growth of urban areas and New Apartment Guidelines with proposal in an intermediate urban location where medium to high density appropriate with proposal 142 units per hectare and Sustainable Residential Development Guidelines;
- Proposal includes a crèche facility and does not lie within Flood Zone A or B;
- Proposal complies with Regional Planning Policy.

- Proposed mix of units within both phases complies with zoning objective for the site, maximum plot ratio on CI sites is 1.25 with overall site having a plot ratio of 1.44 with proposed density in compliance with national guidelines.
- Development of the lands provides potential for creation of new distinctive city quarter with a diversity of uses at an appropriate density in an area in need of considerable rejuvenation and renewal.

## 6.2. Planning Authority Opinion

A submission was received by An Bord Pleanála on the 10th of April 2019 from Galway City Council. The 'opinion' of the planning authority, in addition to outlining the planning history and National and Local planning policy (outlined at Appendix 1) context includes, inter alia, the following opinion on the proposal:

- In interest of CDP and sustainable development of the site and zoning application the interpretation of the zoning should apply to both phase 1 & 2 cumulatively.
- Residential element has a floor area of 21,769 sq.m compared to 73,669 sq.m for entirety of the site and considered to be in compliance with zoning with residential 29.5% of overall floor area which would not unduly interfere with primary use of the CI zone;
- Considered the overall provision of commercial services in Phase 1 & 2 on the site in addition to the provision of supporting public realm with general public access accords with the objective of the site to evolve to perform the function of a neighbourhood centre in an appropriate landscaped environment.
- SHD proposal required to accord with policies in Chapter 2 of CDP relating to sustainable neighbourhoods with policy 2.4 applying.
- Proposal at strategic level appears to meet these policies, as proposes good quality housing in a quality environment supported by key facilities and services designed to integrate with the rest of the site and maximise benefits therein;
- Proposal represents a good form of regeneration of a former industrial site with easy access within the city with access to sustainable forms of transport which are encouraged in the movement strategy.

- Proposal accords in general with urban design principles in plan in relation to layout, form, block structure, orientation and movement patterns with creation of public façade to Monivea Road creating animation and local services;
- Stepping back of height from the Monivea Road respects existing form of development in immediate area maximising potential of the site;
- Development makes use of substantial 2-storey basement area built as part of previous expired permission using land sustainably and exploiting legacy to best use while rendering street level of the scheme generally free from car parking providing range of open spaces and good permeability.
- Density and height provided in northern section of the site adjacent existing 8-storey Eircom building and commercial/industrial area to the north;
- Scale of residential provides critical mass for a new neighbourhood complemented by range of supporting services;
- Retail floor area, medical facilities and gym provided as part of the scheme in compliance with neighbourhood centre designation.
- Proposal satisfies 2018 Apartment Guidelines however need for revision of distribution of apartment sizes, reducing 1-beds and increasing 3-beds and need for clarity in relation to tenure (Policy 2.2 of CDP) to meet cross community demand for different tenure types.
- Plot ratio on site of 1.25 which accords with zoning.
- Having regard to context of CDP, recently permitted Phase 1, contextual location and environmental assessments, provisions included in Phase 1 including car parking and access arrangements for Phase 2 considered proposal generally in compliance;
- Proposal generally acceptable with some specific concerns regarding housing mix with 26.5% 1-bed considered excessive for this area and should be reduced to no more than 15% with excess increase in 3-beds to ensure more sustainable long term community with clarity required to prospective tenure;
- Size of balconies on Block J fronting Monivea Road to be revised to be recessed/reduced/relocated.

- More details required of materials to ensure legibility and clarity, signage for retail units,
- Details regarding management of communal facilities including crèche, gym, leisure facilities and open space and how open space will be delivered with conditions of Phase 1, a consideration;
- Comments of Recreation and Amenity section to be addressed in particular linkages with Phase 1 and management regime for open spaces;
- Transportation Section advised same conditions imposed on Phase 1 are included;
- Potential for sculptural forms in open spaces;

### 6.3. Response from Prescribed Bodies

A response has been received from Irish Water and is appended to this report.

### 6.4. Consultation Meeting

6.4.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 18<sup>th</sup> April 2019, commencing at 11.30 PM. 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.

6.4.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Compliance with SHD/Environmental Legislation
2. Zoning Provisions
3. Development Strategy for the site to include inter alia:
  - Layout and internal interfaces with proposed adjoining development
  - Design/distinctiveness including materials and finishes
  - Phasing
  - Tenure
4. Car Parking Rationale

5. Site services

6. Any other matters

- 6.4.3. In relation to Compliance with SHD/Environmental Legislation for the site An Bord Pleanála sought further elaboration/discussion/consideration of the following: provision of a development which can be considered within its own right having regard to the provisions of SHD, submission of EIAR document with pre-application documentation.
- 6.4.4. In relation to zoning provisions for the site An Bord Pleanála sought further elaboration/discussion/consideration of the following: consideration of proposal having regard to zoning and within context of the overall development of the site.
- 6.4.5. In relation to development strategy for the site An Bord Pleanála sought further elaboration/discussion/consideration of the following: internal interfaces within the scheme particularly from open spaces towards the car park interface, permeability within the scheme and public access through the scheme and management of public spaces, design and distinctiveness of the proposal, design of balconies, treatment of commercial frontages, phasing of the scheme, proposed tenure and procedural requirements of BTR schemes, use of crèche and inclusion of same as a residential service, requirement for additional CGI's.
- 6.4.6. In relation to car parking rationale An Bord Pleanála sought further elaboration/discussion/consideration of the following: greater detail required in respect of the allocation of proposed car parking spaces for the residential element.
- 6.4.7. In relation to site services An Bord Pleanála sought further elaboration/discussion/consideration of the following: requirements of Galway City Council in respect of surface water management.
- 6.4.8. In relation any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: none.

6.4.9. 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 303961' 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 & 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 7.3. 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: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. 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 constitutes a reasonable basis for an application to An Bord Pleanála under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.3. 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. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the development as proposed in any application can be developed independently of any proposal for which permission has not yet been granted.
  2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, balconies and frontages including the maintenance of same, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and any podiums should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development.

3. A detailed car parking strategy which outlines in particular the rationale for the allocation and reservation of car parking spaces to the residential element proposed within the development.
  4. A schedule of private, communal and public open spaces.
  5. A report which provides a justification for the proposed unit mix in the context of the proposed new neighbourhood and the existing neighbourhood within which the site is located.
  6. Operational management plan for the proposed development which shall address matters including the management and maintenance of public spaces and access to the development.
  7. A public realm and permeability strategy which addresses in particular the accessibility of public open spaces. This should include details in respect of any security measures proposed for the development. Details should also be provided of any potential impact on the open spaces/public realm from the requirement to provide ventilation for car park areas below ground floor level.
  8. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
  9. A detailed Phasing Plan.
- 8.4. 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. National Transport Authority
  2. Transport Infrastructure Ireland
  3. Minister for Culture, Heritage and the Gaeltacht
  4. Heritage Council
  5. An Taisce — the National Trust for Ireland
  6. Irish Water



## 7. Galway City Childcare Committee

### **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.

*Una Crosse*

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Una Crosse  
Senior Planning Inspector

*29<sup>th</sup>* April 2019

