



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304618-19

Strategic Housing Development

Construction of 335 no. residential units, 2,571m² of commercial floorspace, 85 no car parking spaces, retailing road between Gort na mBro and Gateway Retail Park road, change of use of underground void to 183 bay underground carpark and provision of community space, shared communal and private open space etc.

Location

Knocknacarra, District Centre, Ragoon, Co Galway.

Planning Authority

Galway City Council

Prospective Applicant

Glenveagh Living.

Date of Consultation Meeting

18th of July 2019.

Date of Site Inspection

01st of July 2019

Inspector

Karen Hamilton

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

The site is c. 2.43 ha and is located to the north west of Galway City Centre, at the Knocknacarra District Centre. The Western Distributor Road runs along the south of the site and Gort na mBro radiates from the distributor road, through the centre of the site, providing access to the existing Gateway Retail Park, to the west, a Gealscoil to the north and office development to the north west.

Construction works are currently underway within the Gateway Retail Park, Phase 2, and part of the subject site is being utilised as a construction compound. The site is relatively flat and there are no views or features of the site which are of particular interest. Large scale suburban type residential development surrounds the site. It is proposed the adjoining road will provide connection to the proposed Galway N6 bypass.

3.0 Proposed Strategic Housing Development

The proposed development would comprise of the following:

- Construction of 335 no. residential units:
 - 96 no. 1 bed apartments (28.7%),
 - 218 no. 2 bed apartments (65.1%),
 - 21 no. 3 bed apartments (6.3%),
- Provision of 2, 571m² of commercial floor space

- Realignment of the road between Gort na mBro and Gateway Retail Park Road.
- Change of use of underground void to 183 bay underground carpark (Gateway Retail Park).
- Provision of 85 no. car parking spaces and 183 within the adjoining Phase 2 development (controlled basement parking).
- Provision of community space, shared communal and private open space, site landscaping, site services and all associated site development works.

Block	A	B	C	D	E	F
Height	4/5	7	1	4/5	4	4/5
Commercial			293m ²	1,456m ²	823m ²	
Community	143m ²		143m ²			149m ²
1 bed	34	6		18	16	22
2 bed	64	29		26	24	45
3 bed	0	7		5	4	5
Amenity	Plaza 2,166	MUGA 575 Courtyard 1,456				Podium 1,054

4.0 Planning History

There is no relevant planning history on the subject site although the permissions below relate to those in the immediate vicinity.

Reg Ref 17/158

Permission granted for Phase 2 of the Knocknacarra District Centre, currently under construction, for a 2 storey mixed use development comprising of:

- 6 no retail units (9,688m²),
- Crèche (444m²),
- Café/restaurant (197m²),
- Offices (786m²),
- New pedestrian link (east/west),
- 129 basement and 22 no surface spaces.

Reg Ref 15/11

Permission granted for a new 2/3 storey primary school to the north of the site comprising of 24 no classrooms and other associated works.

Reg Ref 13/341

Permission granted to the south of the site for a discount food store (GFA 1,542m²).

Reg Ref 04/141

Permission granted for Phase 1 of a District Centre mixed use scheme, to the west of the site,

- main anchor store (7,124m²) incorporating supermarket and non-food,
- 4 no. retail units (1,813m²),
- DIY/ hardware Retail Warehouse (4,810.5m²)
- Garden centre (1,180m²),
- Health and fitness centre (1,953m²),
- Restaurant (256m²),

- 650 carpark spaces at surface and basement and 162 cycle spaces,
- All other associated works.

5.0 Planning Policy

5.1. 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').
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Retail Planning, Guidelines for Planning Authority (2012)

5.2. National Planning Framework

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

5.3. Galway City Development Plan 2017-2023

The site is zoned as CI- Commercial /Industrial where it is an objective “*To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone*”

- Site is a District Centre zoning for Knocknacarra
- Retail of a type and scale appropriate to the function and character of the area will be considered.
- 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
- CI lands at Ragoon (both North and South of the Western Distributor Road) will operate as a District Centre as defined in the *DECLG Retail Planning Guidelines for Planning Authorities 2012* as well as providing for the other uses permissible in the CI zone.

Regarding the Northern Portion of CI lands at Ragoon:

- The site shall include for a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floor space proposals. This residential development shall be integrated within the overall scheme.
- Development of these lands will only be considered where it can be shown to be linked in with existing development and shall show how it relates to an overall layout for the area which will include for landscaping, boundary treatment and linkages with the adjoining residential development and transport services. This shall include for adherence with the requirements for high quality urban design as referenced in Chapter 8.
- The provision of a civic open space will be a requirement on this site and lands shall be reserved for this purpose.
- Any additional phase of development shall include for the front loaded delivery of a public /community facility which can be in the form of a community facility,

a community health facility, a transport facility, a park and play area over and above normal open space requirements.

- Any future development shall include for a number of small retail /service retail units which can be demonstrated to deliver a broad range of District Centre uses, this shall be assessed in the light of the scale and nature of uses delivered on the site at that period, noting the outstanding permissions on the overall lands to date.
- Uses such as commercial leisure uses and educational uses, which would by virtue of their use and scale serve the needs of the surrounding residential area are encouraged.

6.0 Section 247 Consultation(s) with Planning Authority

The Local Authority and prospective applicant submitted there was two formal S 247 meetings held between the applicant and the planning authority and the issues raised are summarised below:

6.1. 21st of November 2019

- Private rented sector model versus Sell to Buy Model.
- Scale, massing, height and overshadowing.
- Impact of future N6 Galway City Ring Road.
- Linkages between Phase 1& 2 and Phase 3.
- Ownership and Taking in Charge.
- Nature, extent and location of car parking provision and details of the hierarchy of needs for movement in the site.
- Nature, extent and location of open space provision, in particular the appropriate use of the district spaces.
- Unit typology and mix.

6.2. 20th of February 2019

- Layout and use of proposed civic open space.
- Alignment of the new road.

- Permeability throughout the site.
- Scale, massing and height of the proposed development.
- Materials, Finishes and colours.
- Size, location and type of balconies.
- Impact of wind on the proposed development.
- Traffic flows and parking provision.
- Linkages between proposed and existing phases.
- Unit typology and mix.
- Childcare and community space provision.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Planning Report and Statement of Consistency
- Traffic and Transport Assessment
- Operational Waste Management Plan
- Construction & Demolition Waste Management Plan
- Letters of Consent
- DMURS Statement
- Wind Microclimate Assessment
- Housing Needs Assessment
- Fire Strategy Report
- Archaeological Impact Assessment
- Natura Impact Statement
- Infrastructure Design Report
- Site Specific Flood Risk Assessment
- Preliminary Construction Management Plan

- Landscape and Visual Impact Assessment
- Daylight, Sunlight and Overshadowing Study
- Photomontage Drawings
- Landscape Report
- Mechanical and Electrical Services
- Housing Quality Assessment
- Urban Design Report
- Tree Survey
- Ecological Impact Assessment
- Plans and Particulars

Statement of Consistency

The applicant has submitted a statement of consistency which highlights the following:

- Context of the site,
- The site constraints,
- Planning History,
- Preplanning consultations,
- Ancillary works required,
- Part V,
- National Policy,
- Local Policy including site specific objectives,
- Design proposal and compliance with the national and local standards,
- Traffic proposals.

The report concludes that the proposed development fully accords with the proper planning and sustainable development of the area.

Appendix C of the submission includes a Statement of Consistency Matrix detailing compliance with the following:

- National Planning Framework
- Sustainable Residential Guidelines,
- Urban Design Manual,
- Apartment Guidelines
- Building Height Guidelines,
- Draft Regional Spatial and Economic Strategy,
- Childcare Guidelines,
- Galway City Development Plan 2017-2023.

8.0 Planning Authority Submission

A response was received from the planning authority which may be summarised as follows:

- The location and nature of the development accords with the principles of the Core Strategy.
- The supplementary objectives for the site allow for the general acceptance for proposed development on the site.
- The proposed units will allow for the site to function as an urban village rather than just a retail park.
- The proposal provides good open spaces and permeability.
- The design has used DMURS and the proposal has been cognisance of the realignment for the N6 GCRR.
- The overall scale of the buildings are generally acceptable although the overall justification and design of the 7 storey building is poor, including the relatively blank gables on the upper floors.

- Clarity is required over compliance with the development plan standards in Chapter 11 including the co-ordinated provision of a childcare facility on another part of the development.
- The density is generally above the CI density standards,
- The plot ratio is 1.45 and appears to include the adjoining public and retail park road.
- Assess of the adjoining local schools to absorb the new demands.
- There are weak edges and landscaping along the retail units.
- The pedestrian passages between the site and the retail park.
- Clarity on the open space between Block D and Block A and the access between the MUGA and Block B.
- A maintenance and management strategy for open space.
- The open space area at the rear of Block B needs examination for its viability.
- Embedded infrastructure requires integration and justification at the start, usability for all ages, genders etc.
- Landscaping design should integrate the trees which may be salvaged.
- Clarity is required to the operation of the co-living area.
- The transport section would require the provision of 1 space per apartment (currently 0.88).
- EV charging points and car club arrangements should be included.
- There is an excessive amount of 1 bed units and should be reduced to 15% as a maximum, having regard to the location of family friendly facilities in the vicinity.
- Recycling facilities should be made available
- Details about the operation of the retail units is required
- The C& D plan should consider the location and operation of the adjoining school.

9.0 The Consultation Meeting

9.1. A Section 5 Consultation meeting took place at the offices of Galway City Council on the 18th of July 2019, commencing at 11.00 am. 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.

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

1. Compliance with land use zoning,
2. Road realignment and taking in charge.
3. Development Strategy for the site to include inter alia:
 - Architectural Response and external material rational,
 - Layout and design of interface areas including the Western Distributor Road, Gaelscoil Mhic Amlaigh and the proposed cinema site,
 - Quality and design of open space provision including sunlight analysis and surveillance,
 - Daylight and sunlight analysis for Gaelscoil Mhic Amlaigh,
 - Boundary treatments and ground floor design.
4. Compliance with S. 28 Guidance.
5. Provision of shared services, childcare and residential amenity provision.
6. Management of apartments and retail accommodation.
7. Any other matters.

9.3. In relation to **compliance with the Land Use Zoning**, An Bord Pleanála representative sought further elaboration/ discussion/ consideration on the following:

- The use and range of services/ retail offer proposed within the commercial units and compatibility with the CI land use zoning and the specific land use objective for the site.

9.4. In relation to the **road alignment and taking in charge**, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- The exact land ownerships and consents required for the road realignment, proposed integration of the road network with major road improvement schemes in the vicinity, including the NG Galway Bypass and details of procedures relating to the right of way across the site.

9.5. In relation to the **development strategy**, the design of the public interfaces and the proposed connectivity and permeability throughout the site, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- Appropriate treatment of Block B and consideration for a high quality building along the Western Distributor Road including specifically designed areas fronting onto the public interface to the south.
- Justification for the choice of external materials and inclusion within a Building Lifecycle report.
- Appropriate treatment of those main interface areas between commercial and residential and the integration of high quality design solutions which protect the provision of residential amenity, in particular at the rear of Block D & E and the pedestrian access.
- Design, layout and landscaping of the communal open space, in particular the surveillance and integration of the court yard and MUGA adjoining Block B, and the integration of appropriate planting scheme throughout the site.

9.6. In relation to **compliance with national guidance**, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- Details of the proposed floor areas in the context of the minimum standards set out in 'Sustainable urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).

9.7. In relation to the **provision of shared services, childcare and residential amenity provision**, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- The rationale for the location and size of the crèche in Phase 2 to serve the development, including an audit of the permitted crèches within the vicinity of the site and coordination with Galway County Childcare Committee.

- Sunlight and Daylight analysis of the proposed residential apartments and open space and the existing classrooms of the Gealscoil to the north of the site.
- The proposed use and justification for the communal residential amenity, including the area for co-working in Block A, the residential amenity in Block F and separate residential amenity designations on each floor of Block F.

9.8. In relation to **any other matters**, An Bord Pleanála representative sought elaboration/ discussion/ consideration on the following:

- The determination for the submission of a Natura Impact Statement (NIS) and those existing potential pathways to a European Designated Site.
- The determination of a threshold development and the submission of Schedule 7 information.

10.0 Consultation

10.1. **Irish Water** has issued a Confirmation of Feasibility (CoF) for **300 residential** units, indicating no upgrades or third party consents are required to service for connections to take place.

The proposed development, as assessed for the CoF, is a standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based on the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water network can be facilitated.

11.0 Assessment

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.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, 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 plans for the area.

Conclusion

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.

I 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.

12.0 Recommended Opinion

The Board 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.

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.**

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 the constituting a reasonable basis for an application for strategic housing.

Design and Layout.

1. Further consideration and/or justification of documents as they relate to the proposed development strategy for the site in particular the design and relationship between Block B and the Western Distributor Road, the public pedestrian pathway between Block B and Block A and the two communal open space areas to the side and rear of Block B including the courtyard and the MUGA. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), and the 'Urban Development and Building Heights Guidelines'. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Details of all materials proposed for buildings, open spaces, paved areas, boundary and retaining walls and a building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

2. A comprehensive daylight and sunlight analysis addressing proposed residential units and open spaces within the development.
3. A landscaping plan integrating any relevant recommendations from national and local guidance promoting native wildlife *inter alia* The National Biodiversity Action Plan and the All Ireland Pollinator Plan.
4. A detailed schedule of accommodation which indicates consistency with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018) including a report which addresses the use of the residential support facilities and amenity areas.
5. Details of public lighting.
6. Details of Part V provision clearly indicating the proposed Part V units.
7. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
8. Childcare demand analysis, including but not restricted to the justification for the sole use of the permitted crèche in Phase 2, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
9. A detailed phasing plan for the proposed development.
10. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority and what areas are used for the density calculation.
11. A detailed map illustrating the proposed integration with necessary requirements for the road network, including the N6 Galway Bypass.
12. A site specific Management Plan which includes details on management of all communal areas and the public plaza.
13. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
14. A site specific Management Plan which includes details on management of the retail units, public plaza, residential amenity and apartments.

15. Addition CGIs/visualisations/3D modelling showing the proposed development relative to existing and proposed development, in particular the Western Distributor Road.
16. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.
17. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format

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. Transport Infrastructure Ireland
2. Irish Water
3. Galway County Childcare Committee
4. Commission for Energy Regulation
5. Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (nature conservation).

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.

Karen Hamilton

Planning Inspector

30th of July 2019