



An  
Bord  
Pleanála

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

## Inspector's Report on Recommended Opinion

### ABP-304929-19

---

<b>Strategic Housing Development</b>	550 additional student accommodation bed spaces and all associated site development works.
<b>Location</b>	Cuirt na Coiribe Student Accommodation, Dun Na Coiribe Road, Galway.
<b>Planning Authority</b>	Galway City Council.
<b>Prospective Applicant</b>	Exeter Ireland Property III Limited
<b>Date of Consultation Meeting</b>	27 <sup>th</sup> August 2019.
<b>Date of Site Inspection</b>	8 <sup>th</sup> August 2019.
<b>Inspector</b>	Kenneth Moloney.

## 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 located off the Headford Road approximately 1.3km north of Galway City. There is an existing 4-storey student accommodation development on the subject site. There is an established student / residential development located to the immediate north-east and also to the immediate south of the subject site. There is a green public amenity space located to the front of the subject site and located to the front of this amenity space is the Terryland River.

The existing student accommodation development on site comprises of 405 bed spaces. The existing student accommodation is 4-storeys in height and also includes accommodation at attic level. There are 3 no. service buildings, comprising of reception, laundrette and shop located to the north-east of the student accommodation block. The existing development has basement car parking provision. There is also an on-site restaurant, i.e. Scotty's Restaurant, located at ground floor level adjacent to the southern boundary.

The existing site boundaries consist of mature evergreen planting and the landscaping also consists of external seating areas and individual planting beds. The existing 3 no. internal courtyards are fully paved over without any planting.

### 3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request consists of an extension to the existing student accommodation development.

The existing student accommodation building provides for 405 bed spaces in a 4-storey building plus attic use. The overall number of units is 108. The existing development includes an on-site restaurant and 3 no. service buildings.

The proposed development will include a total floor area of 27,562 sq. metres which includes 2,506 sq. m. of basement car parking. In summary the principle features of the proposed development include the following;

- Increasing the number of student bed spaces by 550 (a total of 955)
- Increasing the building height from four to six storeys
- Demolition of existing 3 no. two-storey services buildings and construction of new block
- Introduction of new amenity spaces as follows

#### Within existing basement

- Cinema room (41 sq. m).
- Function space (300 sq. m)
- Gym / Studio Space (388 sq. m)
- Games Room (69 sq. m)

#### New Build Basement Area

- Multi-Functional Space

- Combined Library / Study Spaces (146 sq. m)
- Study Space (287 sq. m)
- Multi-functional space (184 sq. m)

#### Ground Floor Communal Areas

- Student Reception Area (45 sq. m)
- New Café Restaurant (126 sq. m).
- Student Lounge / Coffee Dock (117 sq. m)

The number of basement car parking spaces is reduced to accommodate the additional amenity spaces.

The proposed development includes the provision of artificial grass within the existing 3 no. courtyards and additional landscaping measures to soften the existing courtyards.

In terms of foul drainage, surface water drainage and water supply services it is proposed to connect to existing services

## 4.0 National and Local Policy

### **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')
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' – 2018

## **Local Policy**

### Galway City Development Plan 2017-2023

The site is primarily zoned 'Residential Land' in the Galway City Development Plan 2017-2023.

The objective for Residential Lands is to *'provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods'*. A small portion of the site to the front is zoned 'Recreation and Amenity'. The RA zoning objective is *'to provide for and protect recreational uses, open space, amenity uses and natural heritage'*.

The lands to the immediate west of the subject site are zoned 'Community, Cultural and Institutional'.

Section 11.29 of the City Development Plan sets out guidance in relation to student accommodation. This section advises that consideration shall be given to the following;

- Location relative to public transportation corridors
- Impacts on local residential amenities
- Level of on-site facilities
- Architectural quality
- Resist over-concentration of student developments
- No Part V provision required.

The front of the subject site includes lands zoned RA and adjoining lands, form part of a Green Network as set out in the City Development Plan.

There are no specific objectives associated with the site, the following sections of the development plan are relevant: Chapter 2 Housing and Sustainable Neighbourhoods, Chapter 3 Transportation, Chapter 4. Natural Heritage, Recreation and Amenity, Chapter 8. Built Heritage and Urban Design, Chapter 9. Environment and Infrastructure and Chapter 11. Land Use Zoning Objectives and Development Standards and Guidelines.

## 5.0 Planning History

### **Subject site:**

L.A. Ref. 00/249 – This is the parent permission on the subject site. Permission **granted** for 88 no. residential apartments to include use for student and tourist accommodation. The proposal included 139 no. cars and additional surface car parking, maintenance storage, shop, launderette, reception / office and ancillary works.

### **Amendments / Modifications:**

There are a number of on-site permissions subsequent to the parent permission. These permissions are relatively minor and relate to signage, provision of ESB substation and change of use from 2 no. apartments to student café. All applications were issued with a grant of permission.

### **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant in the submitted documentation that Section 247 pre-application consultations took place with the planning authority on 5<sup>th</sup> December 2018. Details of the meeting are submitted.

## 6.0 Forming of an 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **Documentation Submitted**

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.

The information submitted included the following: a Completed Application Form; site layout plans and architectural and engineering drawings, AA screening report, planning report and statement of consistency, Daylight and Sunlight Analysis, Infrastructure report, Traffic and Transport Assessment, Mobility Management Plan, building life cycle report, Stage 2 Flood Risk Assessment, Energy Statement, DMURS Statement of Compliance, photomontage and GSI document, Architectural Design Statement, Landscape and Visual Impact Assessment, Draft Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Arboriculture Report, Schedule of Accommodation.

I have reviewed and considered all of the above-mentioned documents and drawings.

### **Planning Authority Submission**

In compliance with section 6(4)(b) of the 2016 Act 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 16<sup>th</sup> August 2019.

The planning authority's 'opinion' included the following matters: urban design, planning history, land-use zoning and environmental issues.

The planning authority in their opinion concluded that the location of the prospective development is within an area characterised as 'Intermediate Urban Location'. The PA considers that such sites are more suitable for smaller scale development consistent with The Sustainable Urban Housing; Design for New Apartment Guidelines for PA (2018). The PA also reported that no site development shall be included on lands zoned 'Recreational and Amenity'. Lands zoned 'Recreational and Amenity' cannot be included for open space requirements and density calculations. The PA has also has concerns regarding height, density and massing of the proposal, the transboundary impact on the western neighbouring site having regard to the 'Community, Cultural and Institutional' (CCI) zoning objective of this site, overlooking towards Gort Na Coiribe and lands zoned CCI to the west and environmental issues given the proximity of the site to the Lough Corrib.

### **Submission from Irish Water**

A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater as the connection will be through third-party infrastructure. IW will require proof of permission to connect from a third party.

### **The Consultation Meeting**

A section 5 Consultation meeting took place at the offices of Galway City Council on the 26<sup>th</sup> August 2019, commencing at 11:00am. 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.



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. Open Space Strategy;
  - Quantitative and qualitative standards
  - Zoning objective
  - Integration with established public open space
  - Landscaping viability
  
2. Existing and future potential amenities on adjoining sites
  - An analysis in relation to overshadowing, visual impact, overlooking, daylight and sunlight access
  - Density justification
  - Potential of overbearing impact
  
3. Architectural / Design rational for the proposed development
  - Architectural response and external material(s) rationale
  - Building height and justification
  
4. Overall servicing for the site, surface water drainage, foul drainage and water supply.
  
5. A.O.B.

ABP representatives sought further elaboration / discussion on the proposed open space strategy. The prospective applicant stated that the primary issue with the open space is the provision of a proposed attenuation facility. It is proposed to provide surface water attenuation infrastructure to the front of the subject site on land that is zoned RA 'Recreation and Amenity'. The prospective applicant informed the meeting

that the attenuation infrastructure was proposed following a request from the Local Authority Drainage Division. It is an objective of the attenuation facility to provide controlled flow to the adjacent Terryland River as this river has low flow levels and additional flows would improve the amenity value of the river. The PA outlined concerns that the proposed attenuation infrastructure would not be consistent with a City Development Plan objective to provide a 'Green Network'. The 'Green Network' is proposed to traverse the open space to the front of the subject site. The prospective applicant informed the meeting that it is an objective to provide attenuation in the short term and switch off attenuation in the long term. The Local Authority also outlined their concerns regarding the instability of land to the front of the subject site and the view that there is a marl depression present on these lands. ABP representatives recommended that further engagement would be required between both parties to address a potential policy conflict.

A discussion on flood risk arose and the prospective applicant outlined that the existing development relies on surface water attenuation for flood risk. The prospective applicant also informed the meeting that no flood risk is predicted with the proposed development as there is no additional hardstanding development and that the finished floor levels are above flood risk levels. The PA clarified that the Planning Opinion comments in relation to flooding is more in relation to pollution rather than flood risk.

The Landscape Architect, representing the prospective applicant outlined that the existing 3 no. courtyards would provide a central feature for the proposed landscaping strategy. It is submitted that these hard surface courtyards would be replaced with artificial grass and a general theme to soften the visual impact of these courtyards. It is proposed to address the lack of amenity space on the site by providing internal amenity space. The Local Authority outlined that the principle concern is the inadequate provision of external amenity space including active space. The Local Authority and the prospective applicant acknowledged that the proposed student accommodation development provides for summer / tourist users and that the open space provision would need to provide for this cohort. The

prospective applicant advised the meeting that the open space provision to serve the proposed development excludes any open space on lands zoned 'RA'. ABP representatives recommended that the open space provision should satisfy the relevant quantitative and qualitative standards and that the proposed landscaping shall be integrated to the mobility management proposals with the wider area and City Development Plan objectives to provide for a 'Green Network'.

ABP representatives sought further elaboration / discussion on the justification for the proposed development in terms of impacts on adjoining amenities. The prospective applicant outlined that the submitted daylight and sunlight analysis adequately demonstrates that the proposed development will have a negligible impact on adjoining residential amenities. However, the Local Authority considered that the impacts, in particular on the established amenities to north east, would have a negative cumulative impact in terms of overlooking, overbearing, inadequate separation distances and loss of light. The impacts on the adjoining site to the west were also discussed as these lands are zoned CCI and have development potential. Following a discussion on plot ratio the prospective applicant and the Local Authority disagreed on whether the plot ratio for the proposed development is acceptable. ABP representatives advised that justification for the increased intensification would need to demonstrate that no adverse impacts on established amenities would arise.

In relation to architectural design ABP representatives sought further elaboration/discussion on the architectural rational for the proposed development. The prospective applicant outlined the design rational and concluded that the proposed materials would create punctuation marks along the building façade and in turn reduce the perceived scale of the proposed massing. The prospective applicant concluded that the site can accommodate the proposed development. The Local Authority outlined concerns with the scale and the overall visual impact of the proposal.

ABP representatives sought further elaboration/discussion on services and the Local Authority confirmed that the subject proposal will be adequately served by services.

The existing development is currently served by shared wastewater treatment system which has a pumping facility however it is proposed to provide a single wastewater treatment for the proposed development which will include a 24-hour storage and pumping facility.

Finally, a discussion arose regarding the level of the water table within the site and impacts that the proposed excavations would have for ground water and potential flood risk and structural stability of the site. The applicant noted the concerns and confirmed that these issues would be addressed at application stage.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting '304929' 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**

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 the 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.

Having regard to all of 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 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

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.

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 them constituting a reasonable basis for an application for strategic housing development:

### 1. Interrelationship with adjoining amenities to the west and north east

Further consideration of the design strategy and overall layout of Blocks 8 and 9 adjacent to the adjoining north-east boundary and blocks 3 and 4 adjacent to the western boundary, having particular regard to scale, massing, overlooking, and the relationship of these proposed blocks with established and potential future amenities of the neighbouring sites at these locations. The further consideration of these issues may require an amendment to the documents and /or design proposals submitted at application stage.

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. A student demand and Concentration Report having regard to established student accommodation developments and extant permissions for student accommodation developments.
2. A landscape master plan drawing at an appropriate scale that details specifically pedestrian / cycle permeability from the site and the connectivity of the site to the wider area including designated green networks. An open space drawing that shall include space for more active recreation for families. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. The open space provision shall clearly delineate public, semi-private and private spaces.
3. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.

4. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically how the development will limit the potential for overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and contiguous site cross-sections and elevations showing the relationship between the proposed development and adjacent developments.
5. Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere, and if practicable, will reduce overall flood risk. The flood risk report shall have regard to all all site investigations and constraints for the site development. A flood risk assessment shall be prepared in accordance with 'The Planning System and Flood Risk Management (including associated 'Technical Appendices')'.
6. A site-specific Student Management Plan which includes details on management outside of term-time.
7. A site layout drawing indicating what areas, if any, are to be taken in charge by the Local Authority.
8. Details of public lighting.

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.

---

Kenneth Moloney  
Planning Inspector

30<sup>th</sup> August 2019