



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-309045-20**

---

<b>Strategic Housing Development</b>	345 no. Build to Rent apartments, creche and associated site works.
<b>Location</b>	Crown Square (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>	24 <sup>th</sup> February 2021.
<b>Date of Site Inspection</b>	4 <sup>th</sup> February 2021.
<b>Inspector</b>	Daire McDevitt

## **Contents**

1.0 Introduction .....	3
2.0 Site Location and Description .....	3
3.0 Proposed Strategic Housing Development .....	4
4.0 Planning History.....	6
5.0 Policy Context.....	8
6.0 Section 247 Consultation(s) with Planning Authority.....	12
7.0 Forming the Opinion .....	13
8.0 The Consultation Meeting.....	19
9.0 Assessment.....	21
10.0 Recommended Opinion.....	22

## **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 in the townland of Mervue in Galway City. It is c.2 km north east of Galway City Centre at the junction of Joyce's Road and the Monivea Road (R339).

Mervue is an established suburb of Galway. Lands to the north, east and west of the site are characterised by industrial and commercial development (IDA Business Park / Mervue Industrial Estate / Eircom Telecommunications Site). There is an established residential area to the south, on the opposite side of the Monivea Road.

The site, with a stated area of 5.1 hectares, is the former 'Crown Equipment Site' and includes Phase 1 and Phase 2 of the Crown Square development. Phase 2 is the subject of this consultation. The portion of the site where the proposed SHD which is the subject this consultation is located fronts onto the Monivea road and it bounded to the west by phase 1 and the east by Eircom.

Galway City Council granted permission in 2019 for 5 no. commercial office blocks of 3-6 storeys and a 5-storey hotel on the western section of the site (Phase 1). The subject application seeks permission for housing and neighbourhood centre uses on the eastern section of the site (Phase 2). Works have commenced on Phase 1. Phase 1 and 2 are intrinsically linked as part of the overall Crown Square mixed use development with shared parking and public realm. Galway City Council have recently granted permission for alterations to the overall development which includes parking to serve the proposal which is the subject of this consultation.

### 3.0 Proposed Strategic Housing Development

The proposed development will comprise:

A residential 'Build to Rent' scheme comprising 345 no. apartments and amenity accommodation with a gross floor area of 28,166 sqm, which will include:

- Block G (117 no. units); Block H (180 no. units) and Block J (48 no. units).
- Ancillary residential amenity areas (805 sqm).
- A commercial scheme with a cumulative gross floor area of 2,475 sqm, which will include:
  - o A neighbourhood facility comprising retail/pharmacy units (873 sqm);
  - o A crèche (295 sqm);
  - o A fitness/leisure facility (240 sqm);
  - o A Primary Care medical centre (1,067 sqm).
- Public realm and landscaping works, including pedestrian and cyclist linkages.
- Amendments to the vehicular access to, and the extent of, the double basement have been sought under PL.Ref 20/292 (as an amendment to PI Ref: 18/36), and the allocation of 138 no. car parking spaces located on the lower basement level to service the residential units. Visitor car parking will be provided on the upper basement level and will be managed in accordance with an Operational Management Plan and a Mobility Management Plan.
- The provision of a dedicated cyclist/pedestrian ramp and 796 no. secure bicycle parking spaces located in the upper basement, as sought under PI Ref 20/292.
- All other associated site development, plant, and servicing works.

**Parameters:**

Site Area	5.1hectares
Density	170 uph
Height	Height: 4 no. blocks (5 to 9 storey over basement and lower ground levels). Block G (9), Block H1 & H2 (9) & Block J (5).
Dual Aspect	57.3%
Amenities/Concierge	c.805sq.m
Open Space	Private: balconies for each unit.  Communal: c.3500sq.m (upper basement level)  Public: Upper basement level (c.789.9sq.m), Ground floor level (c.1952.9 sq.m & c. 5533.7 sq.m).
Part V	35

**Unit breakdown:**

- 86 no. one-beds (25%)
- 240 no. two-beds (69.5%)
- 19 no. three-bed units (5.5%)

## 4.0 Planning History

**PA. Reg. Ref. 20/292** refers to a January 2021 grant of permission for amendments to PL. Ref. 18/363 – a mixed use development located at the former Crown Equipment site. The development comprises amendments to the public realm, a reduction in car parking and the relocation of a site access. This application forms part of the wider amendment to the overall scheme which will be subject to a separate Strategic Housing Development application in the future. The development consists of the following amendments: To the public realm, a reduction in the size of the basement levels from 62,175sq.m to 50,766 sq.m and a reduction in car parking from 1377 to 1012 spaces, the relocation of the Monivea Road vehicular, pedestrian and cyclist access and all other associated and ancillary site development works.

The site which is the subject of this consultation refers to a portion of Crown Square Site (Phase 2). SHD application **ABP Reg. Ref. 304928-19** refers to a 2019 grant of permission for 288 no. apartments, neighbourhood facility, creche and associated site works. Included an EIAR. Parking and access for this development was as per PA Reg. Ref. 18/363.

**PA Reg. Ref. 18/363 (ABP Ref. 304182 appeal withdrawn))** refers to a 2019 grant of permission (10 year permission) for Phase 1 of the Crown site development. The development comprises Phase 1 of a mixed use scheme and forms part of a larger landholding. 5 no. commercial offices which range in height from 3 to 6 storeys over ground floor, hotel (5 storeys over basement) comprising 175 bedrooms, conferencing facilities and restaurant/bar areas, a double basement which includes 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 incorporating alterations to the existing structures on site permitted under PL. Ref. 06/223 (ABP Ref. PL.61.220893), Public realm and landscaping works including pedestrian and cyclist linkages, the provision of vehicular access/egress via Monivea Road and Joyces Road, public transport set down areas and cycles lanes, all other associated site development and servicing works.

**PA Reg. Ref. 06/223 (ABP PL.61.220893)** refers to a 2007 grant of permission for the redevelopment of the Crown Equipment site (5.12ha). The new development consists of the construction of a mixed use development (56,751sq.m) consisting primarily of bulky good retail, offices, 140 no. residential units, motor sales, hotel, leisure centre, creche, 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. The height of the proposal will be 2 storeys overground along Monivea Road and rising to 4 storeys overground towards the north western and north eastern perimeter of the site, with the entire development over 2 basement levels. All vehicular and pedestrian access is to be taken from Joyces Road only. The development comprises the following of the following elements: The Lower basement consists of parking for 686 no. vehicles, bicycle parking, storage, plant rooms and vertical circulation lobbies. The Upper Basement consists of parking for 500 no. vehicles, bicycle parking, storage and plant rooms (to include ESB substation), delivery/service road with docking bays, motor showrooms, lobbies for retail units and vertical circulation. The Ground Floor consists of 8 no. Bulky Retail Units, including a Catalogue shop (retail unit no. 2). Motor showrooms, a local mini-supermarket, a mini-retail warehouse with Garden Centre and surface level delivery yard, a creche with external play area, a Hotel catering unit (retail unit no. 8), an Atrium, a Mall/foodcourt with small shops, offices, onsite parking for 154 no. vehicles, taxi setdown areas, bicycle parking and a Public Piazza for limited civic events with small market kiosks and all associated hard and soft landscaping. The first Floor consists of Offices, a part of Hotel with associated restaurant/bar with multi-purpose rooms/community centre, leisure centre, 16 no. 3 bed apartments, 27 no. 2 bed apartments, 12 no. 1 bed apartments, with private and common roof gardens around landscaped courtyards. The Second Floor consists of Offices, part of Hotel with 20 rooms, Leisure centre with mezzanine level, 16 no. 3 bed apartments, 27 no. 2 bed apartments, 12 no. 1 bed apartments. The Third Floor consists of Offices, 2 no. 3 bed apartments, 19 no. 2 bed apartments and 9 o. 1 bed apartments. In addition permission is sought for retail signage along the Joyces Road and Monivea Road (An EIS accompanies the application)

## 5.0 Policy Context

### 5.1 National:

#### **Project Ireland 2040 - National Planning Framework**

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.

#### **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 section 28 Ministerial Guidelines are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities
- Retail Planning Guidelines – Guidelines for Planning Authorities



## 5.2 Regional

### **Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (January 2020)**

The principal purpose of the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions.

Section 3.6 of the RSES sets out the Galway Metropolitan Area Strategic Plan (MASP), which provides a framework for development plans and investment prioritisation over the plan period.

The MASP reiterates the significant population growth targets which are set out in the National Planning Framework and the RSES, which are that the population of Galway MASP to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031; and to deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.

The Galway Transport Strategy (GTS) will be implemented as an objective of the MASP under RPO 3.6.7.

The GTS supports opportunities that will reduce congestion and car dependency through increased capacity of reliable and sustainable public transport and the promotion and facilitation of cycling and walking, which in turn promotes the reduction of greenhouse gas emissions. The strategy includes traffic management, giving priority to walking, cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of 'smarter mobility'.

### 5.3 Local

#### **Galway City Development Plan 2017-2013**

The site is zoned **CI** with an objective “to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”.

The zoning table in Section 11.2.6 of the Plan lists “uses which are compatible with and contribute to the zoning objective” and “uses which may contribute to the zoning objectives, dependant on the CI location and scale of development”.

For C1 zoned lands *“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”*

#### **Specific Objective for the Former Crown Equipment site:**

##### **Section 11.2.6 states:**

*“Former Crown Equipment Site zoned C1. The majority of retail floor spaces 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 a high architectural standard”*

The maximum site coverage in the CI zone is 0.80 and the maximum plot ratio is 1.25.

**Section 2.4** Neighbourhood Concept encourages the development of sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. The policy seeks to protect and enhance new / existing residential neighbourhoods in the city.

The site is located in the **‘Established Suburbs’** *“it is recognised that these areas are dynamic and that potential still existing for additional residential development which can avail of existing public transport routes, social and physical infrastructure. It is the policy of the Council to ensure that new development will not adversely affect the character of these areas”*

**Policy 2.6 Established Suburbs**, development should:

- Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.
- Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations.
- Enhance established suburbs such as the Mervue residential area, through the implementation of environmental improvement schemes and the protection of all open spaces including existing green spaces.

**Section 6.3** includes the retail strategy. There is a neighbourhood centre designation on the site.

**Section 8.7** Urban Design states the following in respect of Building Height:

“The scale of development in terms of height and massing can have a considerable impact on other buildings and spaces as well as views and skylines. Additional building height over and above the prevailing height can usefully mark points of major activity such as business districts, civic functions and transport interchanges. They can also however, have a considerable impact in the context of historic buildings, conservation areas, areas of natural heritage importance and can detract from a city’s skyline and impinge upon strategic views. In the context of the city which is predominantly low rise with its sensitive historic core and unique natural amenity setting, there is little capacity for dramatic increases in height. However, it is recognised that modest increases at appropriate locations, can help use land efficiently and provide for sustainable high densities.

In the assessment of development proposals, the following principles will be considered when assessing capacity for height:

- Protection of existing built and natural heritage and residential amenity.

- Creation of landmarks that enhance the city's legibility without eroding its innate character.
- Retention of existing benchmark heights so as to retain strategic views and to protect and enhance the general character of sensitive locations.
- Promotion of higher density at centres/nodes of activity, on large scale infill sites and along public transport corridors.

Areas where major change is anticipated to occur such as at Ardaun, Murrough, Ceannt Station and the Inner Harbour may present opportunities for increased heights. As these are major development areas, there is potential for these areas to establish their own distinctive character. Such height increase will only be considered in the context of an LAP in the case of Ardaun and Murrough and in a masterplan in the context of Ceannt Station and the Inner Harbour.

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

**Section 11.3.1** and **11.3.2** outlines general development standards and guidelines for developments in the Established Suburbs.

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

- 6.1. It is stated by the prospective applicant that a pre-application consultation meetings took place with the planning authority on 21<sup>st</sup> October 2020.

## **7.0 Forming of the Opinion**

7.1 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 discussion which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **7.2 Documentation submitted**

7.2.1 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.

7.2.2 The information inter alia included: SHD Pre-Application Consultation Form, Planning Report and Statement of Consistency (includes Meeting Minutes, Area Schedule, Housing Quality Assessment and Part V proposals), Appropriate Assessment Screening Report, Environmental Impact Assessment Screening Document, Engineering Planning Report, Irish Water Confirmation of Feasibility, Traffic Impact Assessment, Outline Mobility Management Plan, Site Specific Flood Risk Assessment, Independent Road Safety Audit, Statement of Compliance with DMURS. Photomontage & Verified Views, Architectural Design Statement, Daylight-Sunlight Analysis Report, Traffic Management Plan, Operational Management Plan, Construction and Environmental Management Plan, architectural drawings, engineering drawings.

7.2.3 In addition, 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.

7.2.4 I have reviewed and considered all of the documents and drawings submitted.

### **7.3 Planning Authority Submission**

7.3.1 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 1<sup>st</sup> February 2021.

7.3.2 Galway City Council's opinion included a description of the site and proposed development, details of pre planning meetings, planning policy context, and an assessment of the proposed development. The content of the report is summarised as follows:

#### **Principle of development:**

- In this case the site has legacy of permitted significantly sizes residential development which includes multi level apartment elements, therefore the principle of a substantial residential development is well established and open for consideration on these zoned lands
- Section 11.2.6 states that for C1 zoned lands '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". The inclusion of a residential development was considered acceptable under SHD 18/6, this current alteration which involves an increase in residential units fits in with policies of the Development Plan and would not detract from the primary use of the overall landholding as a commercial site. In this case this proposal would be in accordance with the Development Plan zoning objectives and would be a use which would contribute to the zoning objective of the area and would follow precedent of previously permitted development on this site.

#### **Examination of amendments:**

- The amending of the permitted and proposed residential elements for use as 'Build to Rent' would be in accordance with the policies of the development plan to encourage a mixture of tenure, therefore this element is acceptable.

- With regard to the density/plot ratio, the council has previously considered that the basement car parking areas can be excluded, while it is considered reasonable to include the entire site area for Phase 1 and 2, for density calculation purposes, as they are both intrinsically linked together.
- Marginal increase in plot ratio is acceptable.
- Increase in density is acceptable.
- With regard to the additional level to 3 of the residential blocks, the site is below street level and surrounded by buildings on adjacent site of multiple levels which would exceed the height currently proposed, in this case, buildings containing multiple levels were previously considered acceptable at this location.
- The proposed increase in residential content, it is considered that the additional levels can be open for consideration and would, if permitted, not adversely impact upon the surrounding area, in this case the increase in height/levels is considered acceptable.
- No issue with regard to design and materials, It is proposed to maintain the permitted contemporary design and finishes.

**Car Parking:**

- The proposed development is intrinsically linked to Phase 1 (Ref. No. 18/363) and amended permitted development Ref. No. 20/292. One space per residential unit has been allocated at the lower basement level of Phase 1 permitted (18/363). The additional 57 apartments, generating a further 71 no. spaces, in conjunction with the reduced basement car parking under Ref. No. 20/292 would not be considered excessive car parking demand as this viewed as an optimal site for high density commercial/residential development. While specific residential car parking would be provided for 138 spaces to be provided on the lower basement with visitor paces provided at upper level, in this case the slight increase in overall car parking demand would be considered acceptable considering proximity to public transport and the generation of multiple trips at this location.
- The Transportation & Infrastructure Departments raised no objection subject to conditions.

**Other:**

- The development is not located within any protected view of special amenity and interest.
- AA and EIA Screening Reports submitted.

**Opinion from Other Sections:**

**Transportation Section:** No objection subject to 9 no. conditions.

**Water Services:** No objection.

**Recreation and Amenity Department:**

- Both schemes should be delivered simultaneously.
- Special levy of €100,000 to advance the development of the nearby Terryland Forest Park and €50,000 for the development of the nearby Lough Rusheen Conservation Park.
- More details plans and drawings will be required before granting or before commencement.

**7.4 Technical Reports attached to the Planning Authority's Opinion:**

**Transportation Section (return date 21 January 2021):**

- The proposed development comprises a modification to the previously permitted SHD scheme (ABP 304928-19) to comprise a Build-To -Rent development, increasing the number of apartments from 288 to 345, reducing the extent of basement construction in the eastern residential part of the site and consequently reducing the extent of residential car-parking and associated commercial development.
- To facilitate this, the applicant has made an application to Galway City Council to amend the previously granted vehicular entrance arrangements permitted under PI Ref 18/363. The proposed Monivea Road vehicular site access is proposed to be moved westwards, entering the site between the permitted commercial development to the west and residential to the east.
- The report contains a detailed analysis of the proposed SHD and the adjoining 'Phase 1 development' which are considered to be intrinsically linked.
- Concluded: No objection subject to 9 no. conditions.



**Water Services (return date 15<sup>th</sup> January 2021):**

- Foul & Water: Reference to IW Confirmation of Feasibility
- Proposals for surface water drainage are acceptable.

**Recreation and Amenity Department (email dated 12<sup>th</sup> January 2021):**

- The site is a development over a previous development approved on the former Crown Paints Factory site, it was entirely denuded of all soil and vegetation. The Landscape & Architectural Planning for the site is very appropriate for its context. The inclusion of recreational and play facilities for all ages is noted and agreed; the integration and permeability between this new neighbourhood and the older hinterlands is also appropriate and important particularly as it will bridge the Tuam Road to Mervue areas.
- The provision of the soft works and their establishment over the long-term will be a technical challenge and will require commitment.
- It is noted that whilst the landscape plans issued are agreeable to advance the project it is to be noted that they are planning drawings and more detailed design plans will be required to be prepared and issued either before granting or before commencement; this includes the stages as set out in the attached soft-works guideline we are currently sharing. The principle recorded here should be noted to cover hard works too.
- The report includes a details on biodiversity and climate change and includes recommendations.
- Potential future conditions are included.

## 7.4 Other Submissions

### **Irish Water (10<sup>th</sup> February 2021:**

Irish Water has received notification of Crown Square Developments Limited request to enter into consultations under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 in respect of the above-mentioned proposed development. Irish Water understands that this Strategic Housing Consultation relates to a previous Strategic Housing Development site granted under ABP-304928-19 where Irish Water confirmed feasibility for connection(s) under COF 953699652. In respect of this Pre Consultation request Irish Water has assessed and has issued a revised Confirmation of Feasibility COF 953699652 Rev C for connection(s) to the Irish Water network(s) subject to the following:

#### **Wastewater:**

A connection can be facilitated to the Irish Water wastewater network. There is an existing Irish Water 675mm diameter wastewater sewer runs along the southern boundary of the development site. The structural integrity of the existing Irish Water sewer running to the south of the development site should not be compromised during the course of any construction works. In order to ensure appropriate and access to this critical infrastructure the applicants are required to engage with Irish Water Diversions to agree separation distances, appropriate wayleaves and or access ahead of any SHD application.

#### **Water:**

The existing Irish Water watermain network has capacity to cater for the proposed development based upon the average and average day peak week demands noted in the revised calculations for the increase in units. The applicant must align with Irish Water Code of Practice requirements for on-site storage when finalising their on-site network design.

Layouts and designs are subject to assessment by Irish Water to ensure compliance with Irish Waters standards, codes and practices ahead of any SHD application.

Irish Water understands that the development site has an existing watermain connection from the 9 inch AC watermain on Connolly Avenue. This is the preferred connection location. The applicant will be responsible for assessing the suitability of this existing connection and the existing private side watermain network in catering for the proposed development demands. The permissions to connect to third party infrastructure is the responsibility of the applicant.

The existing water meter arrangement may require to be upgraded to ensure it satisfies Irish Water requirements and that it is right sized to suit the development supply demands. This will be confirmed at connection application stage.

**Planning Observations:**

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant by Irish Water ahead of any SHD Application.

Irish Water does not permit build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices which must be achieved. In order to ensure appropriate and access to this critical infrastructure the applicants are required to engage with Irish Water Diversions to agree separation distances, appropriate wayleaves and or access ahead of any SHD application.

## **8.0 The Consultation Meeting**

8.1. A Section 5 Consultation meeting took place online via Microsoft Teams on the 24<sup>th</sup> February 2021, commencing at 10 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.

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. Development Strategy & Phasing

2. Residential Amenities (Daylight/Sunlight, Micro Climate Analysis)
3. Parking Strategy and Management
4. Any Other Business.

In relation to **Development Strategy & Phasing ABP** representatives sought further elaboration/discussion/consideration of:

- Extent of application site boundaries.
- Compliance with land use zoning.
- Clarity on Section 34 application relating to carparking, landscaping and level changes etc. and what is proposed as part of the SHD application.

In relation to **Residential Amenities (Daylight/Sunlight, Micro climate Analysis)** ABP representatives sought further elaboration/discussion/consideration of:

- Access to daylight/sunlight.
- Microclimate analysis (public, communal and private amenity areas)
- Impact on adjoining houses along Monivea Road.

In relation to **Parking Strategy and Management** ABP representatives sought further elaboration/discussion/consideration of:

- Justification rationale for car parking management and allocation as parking is not included in the SHD proposal.
- Clarity and justification of what is proposed.

In relation to **Any Other Business** ABP representatives sought further elaboration/discussion/consideration of:

- Ensure final documentation correlates at application stage

- Have regard to what is on site in relation to screening
- Ensure clarity is given on what is proposed and what has been granted
- No provision for further information at application stage
- If material contravention arises ensure this should be addressed application stage.
- Need to be clear on what the application is for and how it complies with SHD legislation.

The prospective applicant and the planning authority were given the 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 309045' 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.

## 9.0 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.

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 plans for the area.

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.

I would 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.

## 10.0 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 **constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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. Clearly identify on the plans and particulars elements of the development of the site (Galway City Council Reg. Ref. 20/292) which have been permitted under Section 34 of the Planning and Development Act 2000, as amended that do not form part of the application proposed under the remit of Strategic Housing Development.
2. A detailed phasing plan.

3. A Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
4. A report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, overshadowing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built) and within the proposed development and include mitigation measures, where required.
5. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.
6. A justification/rationale for the Carparking Provision (or lack of) associated with the proposed Build to Rent Apartments. Also, a site layout plan which clearly identifies the car and bicycle parking within the wider Crown Square redevelopment site. A draft Mobility Management Plan is also required.
7. A micro climate analysis.
8. Sunlight/Daylight Assessment
9. Response to issues raised in the PA Opinion received by An Bord Pleanála on the 1<sup>st</sup> February 2021.
10. A draft Construction Management Plan and a draft Waste Management Plan.

11. Where the prospective 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.
12. 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.
13. Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the Planning Authority may seek at application stage (noting the contents of the report/comments from the Recreation & Amenity Department dated 12<sup>th</sup> January 2021 of the Planning Authority) and indicate at application stage if such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such conditions.

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
3. National Transport Authority
4. Department of Housing, Local Government and Heritage
5. The Heritage Council.
6. An Taisce – the National Trust for Ireland.



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.

---

Dáire McDevitt  
Planning Inspector

8<sup>th</sup> March 2021