



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-311102-21**

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<b>Strategic Housing Development</b>	250 no. student bed spaces and associated site works.
<b>Location</b>	A Site at Westside Shopping Centre, 2 Seamus Quirke Road, Co. Galway.
<b>Planning Authority</b>	Galway City Council
<b>Prospective Applicant</b>	Westside Shopping Centre Ltd.
<b>Date of Consultation Meeting</b>	09 <sup>th</sup> of November 2021
<b>Date of Site Inspection</b>	26 <sup>th</sup> of October 2021.
<b>Inspector</b>	Karen Hamilton

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located within the carpark associated with the Westside Shopping Centre, abutting the Seamus Quirke Road, Galway City. Seamus Quirke Road is a major and busy transport routes for the City. The subject site is within walking distance from the National University of Ireland Galway (NUIG), c. 2km from the site.
- 2.2. The shopping centre is a large single storey building with the majority of the parking along the front (south) of the site. The site adjoins a pedestrian/ cycle route which links the residential area to the rear (north west) Camillaun Park. A community resource area is located to the north of the site and comprises of church, church accommodation and community centres. The pedestrian/ cycle route separates the shopping centre from the community area.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would comprise of student accommodation for 250 no. student bedspaces and associated development.
- 3.2. The proposed development has a gross floor space of c. 7,668m<sup>2</sup> plus c. 182.4 m<sup>2</sup> ancillary plant room at basement level and a part-undercroft measuring c. 1,545m<sup>2</sup> principally provided for the parking of cars.

### 3.3. Development Parameters

Parameters	Site details
Site area	c. 0.44ha
Height	Part 6 no. 7 no storeys over part basement/ undercroft
Plot Ratio	1.63:1
Bedspaces	250 no. bedspaces 36 no clusters (3- 8 bedspaces)
Support facilities	c. 1,300m <sup>2</sup> café, multi-games room, games/TV, study room, laundry, meeting room
Car parking	Removal of 63 spaces (remaining 267 no spaces)

### 4.0 Relevant Planning History

- 4.1. No relevant permission other than permissions relating to the main shopping centre building. A recent grant of permission for a café in the Westside Shopping Centre is listed below.

#### **Reg Ref. 18/107**

Permission granted for a single storey, free standing café with access from the existing shopping centre carpark.

### 5.0 Relevant Planning Policy

#### 5.1. Galway City Development Plan 2017-2023

The site is zoned CI, Commercial and Industrial, where it is an objective to:

*“To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.”*

Section 11.2.6: Uses which may contribute to the zoning objectives, dependant on the CI location and scale of development, for example:

- Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chpt 2.

### Westside

**Policy 10.4 Westside:** Enhance the quality of the urban environment at Westside through the creation of a more enclosed, strong street edge on CI zoned lands along the Seamus Quirke Road, creating a high quality, active and vibrant streetscape.

- Designated neighbourhood centre.

Section 10.4 refers to the functioning of Westside shopping centre. It is an objective to provide a strong urban delineation and streetscape. The redevelopment of the site could reduce the “barrier effect” along the Seamus Quirke Road.

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

6.1. The PA report includes the minutes from a S247 meeting held on the 16th of April 2021, as summarised below.

- The principle is acceptable.
- The proposal is bulky and overwhelming and not a design resolution for the site.
- Backup flight path to the hospital.
- Mobility plan for the overall site needs looked at.
- Cycle provision for overall site should be looked at.
- Good opportunity to showcase buildings and providing a low energy building.
- Sewer is problematic as the area is flat and there are problems upstream and downstream.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning polices relevant to the development of the site.

## 8.0 Planning Authority Submission

8.1. 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 their opinion in relation to the proposal on the 09<sup>th</sup> of September 2021.

8.2. The PA opinion notes the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. The submission is summarised below.

### 8.3. Planning Assessment

#### 8.3.1. District Centre

- The proposal accords with the development plan zoning
- There is a precedent for permitted residential developments on other District Centre and CI zoned sites within the City.
- The location of the residential building onto Seamus Quirke Road will create an urban edge.

#### 8.3.2. Urban Design

- Section 11.3 of the development plan requires residential development to protect the residential amenities of existing neighbourhoods and achieve a high urban quality contributing to good place making.
- There are flaws in the design and layout, it is overwhelming and does not respond well to the community facilities or the surrounding area.
- The design is overbearing and will reduce passive surveillance on the open space.

- There is no respect for the library, church, or resource area.

### 8.3.3. **Materials**

- The materials and finishes should reflect the historic and natural materials, landscape and environment, finishes and the use of red coloured bricks should be avoided.

### 8.3.4. **Communal Space**

- There are concerns in relation to the location of the communal open space positioned north.
- The height of the building will cause overshadowing on open space areas.
- The omission/ amendment of the western wing could allow additional sunlight to penetrate.

### 8.3.5. **Density**

- Plot ratio for CI Lands is 1.25:1.
- In this instance the plot ratio proposed is 1.63:1 (30% greater than the CDP standards).
- There are serious concerns with regards the proposed development (urban design & open space) and therefore the lower density should be provided in line with the development plan.

### 8.3.6. **Car parking**

- The removal of car parking is welcome although there has been no attempt to enhance the parking, e.g., wayfinding paths etc.
- The applicant states that there is a reduction in 83 spaces (133 in total) leaving 50 spaces. In separate documentation it is stated 63 spaces will be removed.
- The proposal would generate 36 spaces and with the loss of spaces, there would be a reduction of 86/99.,

- Section 11.10.1 of the plan allows consideration for dual use. This is considered reasonable if the café permitted (Ref No 18/107) does not go ahead.

#### **8.3.7. Screening for AA, EIAR & Ecological Assessment**

- The information contained in the above reports is noted.

### **8.4. Interdepartmental Reports**

#### **8.4.1. Parks Department:**

- The use of SuDS is welcome and there is no objection subject to conditions.
- The communal open space is in the shade.
- There should be a shadow/ daylight analysis.
- There should be a condition to ensure there is enough soil and the use of artificial grass is questioned.
- Details of the balcony railings, the interface between the retail park and the visual impact of the west elevation should be submitted.
- The minimum of 35% herbaceous perennials should be included.
- The landscape plan should be revised to include Alder or Maple species instead.

#### **8.4.2. Transport Department**

- A reduction in parking is acceptable where a travel plan is submitted
- No objection subject to conditions.

#### **8.4.3. Water Services Department**

- IW pre connection indicates an existing supply to the shopping centre.
- Diversion of the foul is proposed although the submitted CCTV indicates the pipework is problematic and the applicant should confirm if the local network has capacity.



- Surface Water Drainage: CCTV needs to confirm if the downstream pipework can accommodate additional surface water.

## 9.0 Irish Water (IW)

9.1. IW submitted a Confirmation of Feasibility for 250 no student spaces on the 13<sup>th</sup> of September 2021 subject to all development being carried out in compliance with IW standards.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 09<sup>th</sup> of November 2021, commencing at 14:00pm, via Microsoft Teams. 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 as detailed below:

1. Urban Design Response to the site, *inter alia*, integration with shopping centre, overall site development and development plan requirements
2. Impact on Visual amenity, *inter alia*, design and layout and elevational treatment
3. Impact on Residential Amenity, *inter alia*, daylight & sunlight, design, and layout, open space provision
4. Traffic & Transport, *inter alia*, car parking
5. Any Other Matters.

10.2. In relation to the **Urban Design Response**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The integration of the proposed development with the surrounding environment, the existing Westside Shopping Centre, the Seamus Quirke Road and the community resource area to the north.
- Compliance with Policy 10.4 of the development plan for the appropriate development of the Westside Shopping Centre.

- The proposed use of the car parking spaces in the proposed development and the proposed interface with the existing shopping centre car park.

10.3. In relation to the **Impact on Visual Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design of the building, the excessive use of materials and the appropriate treatment along the Seamus Quirke Road and the Westside Shopping Centre.
- The visual impact and integration of the proposed ground floor uses and the existing urban fabric along Seamus Quirke road and the footpath adjacent to the site.
- The absence of any GCIs and/or photomontages to the rear, facing onto the Westside Shopping Centre.

10.4. In relation to the **Impact on Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The daylight/ sunlight analysis and the absence of any sunlight analysis of the courtyard open space.
- The overall layout and function of the open space areas, in particular the courtyard, podium area along the Seamus Quirke Road and the proposed public plaza to the north, beside the café.
- The planting regimes and management of open space/ landscaped areas, particularly the podium level along the front of the site, facing onto Seamus Quirke Road.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The rationale for the quantum of car parking proposed and the need for car parking for the student accommodation.
- The use of car parking spaces for the shopping centre/ commercial use and compliance with the strategic housing legislation.
- The design and layout of the undercroft car park and the integration of pedestrian and cycle facilities.

10.6. In relation to **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Additional details on the capacity of the foul water should be investigated including the use of CCTV.
- The treatment of waste and submission of a waste management plan.
- The appropriate use of external materials on the façade.
- The height of the building and location of the helipad linked to the University Hospital.

## 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**

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.

## 12.0 Recommended Opinion

12.1. 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

### 1. Development Strategy

Further consideration and/or justification of the documents as they relate to:

- The height strategy and design approach, particularly the architectural treatment along the Seamus Quirke Road and the need to ensure that the design of the building provides the optimal architectural solution for this strategic site.
- The treatment, aesthetic design, articulation and animation of the façade, along Seamus Quirke Road, Westside Shopping Centre and community resource area to the north, and the need to avoid an excessive use of design details and materials to ensure a more refined/simplistic and high-quality design approach.
- The provision of appropriate connections and pedestrian permeability through the site from the Seamus Quirke Road to the shopping centre.
- Design and treatment of public open spaces to ensure that they are appropriate to the future student community.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

## 2. Car Parking

Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the quantum of residential and commercial parking proposed. Further details should include a rationale explaining the need for student parking and details for any proposed car parking management.

12.2. 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. The proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed building, having regard to inter alia, National and Local planning policy, the site's context and locational attributes. Particular regard should be had to 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 requirement for good design and the inclusion of a sense of place, as well as section/ Policy 10.4 of the Galway City Development Plan.
2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes and frontages including the maintenance of same, café and student amenity areas, the treatment of landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas such as car park and podium areas should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development. The

documents should also have regard to the long-term management and maintenance of the proposed development.

3. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers, which includes details on the standards achieved within the proposed residential units, in all private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
4. A response to issues raised by the Infrastructure Department, Recreation & Amenity Department and Water Services Report in the Planning Authority Report, dated 09<sup>th</sup> of September 2021, relating to the design of the Surface Water Drainage Systems and Foul Water capacity, the public lighting design, a landscape plan which indicates the planting details, boundary treatment and waste management.
5. A taking in charge map.
6. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing shopping centre and lands surrounding the site.
7. The submission of a detailed Waste Management Plan.
8. Relevant consents to carry out works on lands which are not included within the red-line boundary.
9. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

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. Irish Aviation Authority
5. The relevant 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.

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Karen Hamilton  
Senior Planning Inspector

29<sup>th</sup> of November 2021