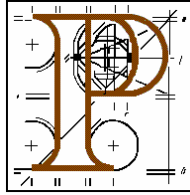


An Bord Pleanála



Inspector's Report

Proposed Development: Permission for the demolition of existing dwelling house and shed, create a new site entrance onto Ragoon Road, construct a mixed use development in the form of two separate blocks of two and three storeys providing 4 commercial units, 6 apartments, 21 no. car parking spaces and bins stores, and all site and landscaping works, all at Millars Lane, Ragoon Road, Galway.

Planning Application

Planning Authority:	Galway City Council
Planning Authority Reg. Ref.:	08/629
Applicant:	Mr. Frank Kelly
Type of application:	Permission
Planning Authority Decision:	Grant permission subject to conditions

Planning Appeal

Appellants:	Gort na Gréine Residents Association.
Observers:	Cllr. Catherine Connolly
Type of appeal:	Third Party against permission
Date of Site Inspection:	23.08.2010
Inspector:	A. Considine

1.0 THE SITE

- 1.1 The site has a stated area of approximately 0.1864 hectares (1,864m²) and is located to the north of Galway City, with access off the Ragoon Road, and opposite Mount St. Josephs Cemetery. The area is predominantly residential in nature, with a number of existing residential estates in the vicinity of the site. There are also a number of individual one off houses on larger sites.
- 1.2 The site is accessed off Millar Lane, which is accessed directly off the Ragoon Road, a heavily trafficked route through Galway City and serving the hinterland of the City. Millar Lane is a narrow access way, which is sited immediately adjacent to the main access to Gort Gréine residential estate. It is noted that there is an existing solid white line on Ragoon Road to the front of the subject site, and extending beyond the site in both directions, see attached photographs.
- 1.3 The site is bound by large mature trees and hedges along the sites boundary with Ragoon Road and Millar Lane, and the existing house on the site is really only visible from within the site, with some restricted views of the roof from Ragoon Road, looking from the east (city side of the site). A block wall constitutes the rear boundaries of the subject site, where they back onto newer residential development.

The site is currently occupied by a single storey detached house, with a shed in the rear area of the site. The existing house is currently unoccupied and the overall condition of the site is in a state of disrepair. There is also evidence of some dumping on the site. The house has a stated area of 169sq.m , while the shed has a stated area of 28m² and would appear to be approximately 30 years old, in terms of construction. The dimensions of the existing house on the site are approximately 10.2m x 18.4m with an overall height of 5.3m.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought (as per the public notices) for a development which will consist of (1) the demolition of existing dwelling house and shed. (2) Create a new site entrance onto Ragoon Road. (3) Construct a mixed development in the form of two separate blocks. Block 'A' will be a three storey building consisting of four commercial units on the ground floor with four two bedroom apartments above. Block 'B' will be a two storey building consisting of two, two bedroom apartments. (4) Construct 21 no. car parking spaces and bins store area. (5) The provision of all ancillary site works and associated services with the development, all at Millars Lane, Ragoon Road, Ragoon, Galway.

The proposed ridge height of block 'A' is indicated at 12.275m while proposed block 'B', to be located to the rear of block A, is indicated as having an overall ridge height of 8.972m. It is proposed that the proposed buildings will be finished in a variety of materials, including nap plaster, natural stone facing and a zinc cladding or similar. The roofs will be either blue / black slate

or concrete roof tiles. Windows and doors are to be selected uPVC double glazed, and stainless steel handrails, with toughened glass panels to the proposed balconies.

It is proposed that a new access to the site will be created, approximately 21m to the east of the Millars Road access, and directly from the Ragoon Road, rather than from Millars Lane, as is the current position. The proposed site layout will provide for 5 car parking spaces to be located to the front of the site, with the remaining 16 being provided to the rear of Block A. As indicated above, there is a solid white line on the Ragoon Road, bounding this site.

Following further information requests and clarification of same, the proposed development was revised whereby, development is now proposed in the form of a single 3 storey building, comprising 4 no. retail units at ground floor level and 4 no. 3 bed apartments over two floors above. The overall height of the permitted building, a flat roofed structure, with finishes similar to those originally proposed, is indicated at 10.27m.

3.0 REPORTS ON PLANNING AUTHORITY FILE

3.1 Following the submission of the planning application, there were no third party objections noted on the Planning File.

3.2 2 no. interdepartmental reports were received from the following Galway City Council departments:

Roads: further information required to be submitted.

CFO: no objection noted subject to conditions.

3.3 No external reports are noted on the planning file.

3.4 Following an assessment of the proposed development, the Planning Authority sought additional information under 11 items, including:

- The proposal is similar to the development which was refused permission on the site. A number of revisions are required.
- Concern raised regarding the location and orientation of the buildings
- Buffer zone required between site and existing residential properties.
- Landscaping specifications
- Tree survey and plans for the trees
- Compliance with Part M of Building Regulations
- Proposals regarding maintenance of Right of Way
- Sections through site
- Proposed arrangements for deliveries and servicing of retail units
- Car parking requirements
- Revised layout providing a 1.8m footpath within the development.

3.5 Following a response to the above further information request, whereby the information submitted was deemed significant and was re-advertised, there were 4 no Third Party objections and submissions noted on the Planning file

from the Ros Geal Residents Association, Gort Gréine Residents Association, Mr. Mike Donagh and Grangemore Residents Association. The issues raised in the objections are summarised as follows:

- The size and scale of the development is not inkeeping with the surrounding developments
- The proposed commercial development does not accord with the Residential zoning of the site
- The site is in close proximity to the Knocknacarra town centre area where there is adequate retail developments
- The proposed new access onto the Ragoon Road would create a traffic hazard and the nature of the development would result in high increased in traffic movements in the area. The road has had numerous minor accidents on this road.
- There is no need for further residential development in this area where countless vacant and unsold properties are evident.
- Issues were raised regarding the siting of the public notices on the site.
- It is requested that an independent Strategic Environmental Assessment be undertaken to report on the likely significant effects of the proposed commercial development in the area.
- Noise pollution
- Although not indicated, the nature of the proposed uses of the retail units is of real concern, as there are rumours that the uses will include a take away and veterinary clinic. Both uses will generate nuisance in terms of traffic, noise and rubbish.
- Given the proximity of the site to Ragoon Cemetery, the roads are frequently congested with parked cars.
- The development will negatively impact on the existing quality of life afforded to the existing residents in the area.

2 Councillors also made requests to be kept informed regarding the proposed development.

3.6 The following interdepartmental reports from Galway City Council are noted on file following receipt of the response to further information request:

Roads Section:	no objection subject to conditions
Water Services Section:	no objection subject to conditions.
Parks Section:	Requests additional information
Drainage:	no objection subject to conditions
Chief Fire Officer:	no objection subject to conditions

3.7 Following receipt of the response to the further information request, the Planning Authority considered that many elements of the FI request were addressed. It is also notable that in making the response, the proposed development was revised somewhat, including the reduction in the proposed numbers of apartments to 4. Following this assessment, further clarification on the further information request issued and related to landscaping and clarification on the arborist report submitted.

3.8 Following receipt of the response to the clarification request, 3 third party submissions were made¹. The issues raised in these objections are similar to those already summarised above and include as follows:

- Design and scale of the proposed development is inconsistent with existing developments in the area and result in a visual intrusion, as well as impacting on light and privacy.
- The arguments made for felling a number of trees is unjustifiable and in many instances, is contrary to the arborist report submitted by the applicant. The retention of the trees is necessary in the interest of protecting the existing environment of the surrounding estates.
- Issues arising regarding the Right of Way.

3.9 The information submitted in response to the clarification of further information was considered to be inadequate and further clarification was sought by the Planning Authority. On receipt of a response to same, one further third party objection was submitted and the Parks Section of Galway City Council accepted the proposed development.

3.10 The Planning reports associated with this proposed development considered the development against the requirements of the City Development Plan, together with the zoning objective afforded to the site, the detail of the development as proposed and as amended in the course of further information requests, and the concerns raised by third parties.

4.0 DECISION OF THE PLANNING AUTHORITY

4.1 The Planning Authority decided to grant planning permission for the proposed development subject to 42 no. conditions, including the following:

12. proposed uses of retail units
41. development contribution of €47,368
42. bond

It is to be noted that the decision to grant permission for the proposed development relates to the revised development whereby Blocks A and B were replaced by a single 3 storey block, comprising 4 no. retail units at ground floor and 4 no. 3 bed apartments over two floors above.

5.0 RELEVANT PLANNING HISTORY

The following planning history relates to the subject site:

08/238: Permission was refused by Galway City Council for a similar development on the site for the following 3 reasons:

¹ Please note, and in particular reference to the submission made by the Ros Geal Residents Association, that the Board received a photocopy of the submission, which would appear to have been highlighted in places. In the photocopy, these highlighted areas are illegible.

1. *The development plan has stated that ‘demolition of existing dwellings for higher density apartment development in the established suburbs will not be acceptable. Demolition of existing dwellings for replacement dwellings will not be acceptable in the established suburbs except in cases where it is demonstrated that the proposed development would make a positive contribution to the areas urban design and where it does not represent a major intervention into or redevelopment of the urban fabric..... Where replacement is acceptable, new development will be required to comply with Councils development standards....’ It has not been demonstrated that the proposed development would make a positive contribution and the proposed development in particular by virtue of its form, design, layout and use mix would represent a substandard development which is considered unacceptable and is compounded further by the lack of relationship with the existing pattern of development in the area. Therefore, the development does not meet the criteria outlined in the development plan and the specific policies relating to the ‘Established Suburbs’. Having regard to the above, the proposed development is not an acceptable form of development and if permitted would contravene the objectives and policies of the development plan and would be contrary to the proper planning and sustainable development of the area.*

2. *The development does not meet the Galway City Council Development Plan 2005-2011 requirements for the provision of useable functional open space layout, while the provision of one communal /private amenity area for the residential townhouses is not acceptable. Therefore, the proposed development, if permitted would materially contravene development plan standards, seriously injure the residential amenities of the property in the vicinity and be contrary to the proper planning and sustainable development of the area.*

3. *The layout, orientation and position of the proposed buildings and the overlooking generated by some of the above first floor windows within this development is considered to be unacceptable, as it would be out of character with the existing pattern of residential development in the area, and if permitted would seriously injure the residential amenities of the area.*

6.0 DEVELOPMENT PLAN

6.1 The subject site is located within the jurisdiction of Galway City Council and has an R zoning, Residential. This zoning objective 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.* The development plan also identifies that the subject site is located within an ‘Established Suburb’.

Section 2.4 of the City Development Plan indicates that *it is the priority of the Council to ensure that new development will not adversely affect the character of the area. In this regard infill development should not be of such a scale that represents a major addition to or redevelopment of the existing urban fabric. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. Infill development will also*

have regard to the scale and proportion of existing buildings, building lines, massing and height of buildings in relation to the street.

The Plan goes further in terms of the proposed demolition of existing dwellings for higher density apartment development and states that such proposals within the established suburbs, will not be acceptable. Exceptions to this policy are stipulated as follows:

- *Where it can be demonstrated that the proposed development would make a positive contribution to the area's urban design and*
- *Where it does not represent a major intervention into or redevelopment of the urban fabric.*

The Plan also states that *the assessment will be balanced with the contribution that any proposed replacement would make to enhance the character of the area and will have regard to the sustainable benefits of such development.* Exceptions to the policy will *only be considered on newly zoned residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.*

The following policy is relevant in this instance:

Policy no. 2.4 Established Suburbs

- Ensure a balance between the reasonable protection of the residential amenities and the established character 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.

Other relevant sections of the City Development Plan are contained in Chapter 11, part B, Development Standards, Section 11.3.2 relates to development in the Established Suburbs, and highlight issues relating to scale, density and plot ratio, residential mix, amenity open spaces, overlooking and privacy, traffic impacts, design issues and waste management issues amongst others.

6.2 **SUSTAINABLE RESIDENTIAL DEVELOPMENT IN URBAN AREAS (DoEHLG, 2007)**

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children's children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

While the subject site is located within an established suburb as defined in the City Development Plan, Section 5 of the guidelines provides guidance regarding developments in Cities and towns, and paragraph 7 relates to development on brownfield sites, while paragraph 8 deals with public transport corridors and paragraph 5.9 deals with inner suburban / infill.

6.3 SUSTAINABLE URBAN HOUSING: DESIGN STANDARDS FOR NEW APARTMENTS, (DoEHLG 2007)

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term.

The guidelines provide recommended minimum standards² for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

Chapter 2 of the guidelines provides information in relation to recommended internal design standards, Chapter 3, relates to storage areas and communal facilities, Chapter 4, deals with communal and private open spaces and Chapter 5 relates to overall design issues. The appendix to the guidelines provides information in relation to the Recommended Minimum Floor Areas and Standards.

6.4 QUALITY HOUSING FOR SUSTAINABLE COMMUNITIES, BEST PRACTICE GUIDELINES FOR DELIVERING HOMES SUSTAINING COMMUNITIES, (DoEHLG 2007)

This document highlights the essential requirements for the delivery of quality housing. The detail in terms of what the guidelines consider that good quality, sustainable housing development should be provided at the appendix to this report.

Additional guidance in relation to the planning and design of individual apartments is given in 5.1.2, and section 5.3 refers to internal layout and space provision. The remainder of chapter 5 deals with other elements of design including 5.4 Sustainability and Energy Efficiency, 5.5 Access and Circulation, 5.6 Safety and Security in the Home, 5.7 Kitchen Facilities and Layout, 5.8 Sanitary Facilities and Bathroom Provision and 5.9 Storage

² Extract from Guidelines provided in appendix.

Facilities. The ethos of these guidelines is echoed in the sustainable urban housing guidelines referred to above.

7.0 GROUNDS OF APPEAL

This is a third party appeal against the decision to grant planning permission for the development by Galway City Council. The grounds of appeal reflect the initial objections submitted by the Gort Gréine Residents Association and are summarised as follows:

- impact on road safety
- non compliance with the Galway City Development Plan
- design, mass and scale of the proposed development
- loss of mature trees.

This appeal provides a number of support documents including letters from local businesses and councillors, local paper reports, photographs as well as the requisite receipt for submission to the Planning Authority and a detailed account of the above grounds of appeal.

8.0 RESPONSES

8.1 Planning Authority:

The Planning Authority has not responded to this appeal.

8.2 First Party:

The first party has submitted the following response to this third party appeal. The response is summarised as follows:

- the development includes 4 large apartments, occupying 124m² floor space, and are designed in strict accordance with the Sustainable Urban Housing; Design Standards for New Apartments.
- The 4 units are to be occupied by the developers 4 children.
- There are apartments provided in individual blocks to the south east of the site.
- The proposal will remove an existing access point and create a safer access to the site.
- The proposed small commercial units will provide for local services, alleviating the need for local residents to travel to other parts of the city for services, thus reducing traffic flows in the area.
- The landscaping plan provides for the retention of the mature trees and the single building was designed around these trees
- The zoning objective afforded to the site details a number of uses which are described as being compatible with and contributing to the zoning objective, including local shops, offices, licensed premises, banks and other local services, etc. There is an identified need for small commercial units in this area
- In relation to the submissions included in the third party appeal, it is noted that many of the cited parties did not make objections to the Planning Authority, and do not necessarily have regard to the revisions made to the overall development.

- References to near misses and rear shunts along this section of road are not substantiated.

9.0 OBSERVERS TO APPEAL

There was 1 no. observer noted in relation to this appeal, from Cllr Catherine Connolly, and the issues raised by the observer indicate full support to the appellants in this case. Other issues relate to traffic, sustainable development, the loss of trees and the impact on Millars Lane which is specially protected within the City Development Plan.

10.0 ASSESSMENT

Having regard to the relevant policies pertaining to the subject site, the nature of existing use on the site, the nature and scale of the proposed development and the nature of development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines and Strategies
2. General Compliance with the City Development Plan & Housing Strategy
3. Compliance with General Development Standards
4. Other Issues

In terms of the amendments made to the proposed design of the buildings, from the proposed provision of two separate blocks, to the finally permitted single block of three storeys in height, I consider that the issues arising are similar, in terms of scale, height and potential impact on existing residential amenities. As such, and where appropriate, I will address the merits of each proposal as they arise in the course of this assessment.

11.1 Compliance with National Guidelines & Standards

11.1.1 *Sustainable Residential Development in Urban Areas (DoEHLG, 2007)*

The principle of development at this location is acceptable and in compliance with the general thrust of national guidelines and strategies. The 2007 guidelines updated the Residential Density Guidelines for Planning Authorities (1999), whereby new developments seek to increase floor areas for apartments including the provision of adequate storage is provided to support longterm sustainable residential development and in order to cater for families. The guidelines continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the maximising of the potential of the subject site in accordance with said guidelines.

The subject site is located in a suburban location and is a brown field site. In this regard, the following sections of the Guidelines may apply:

(b) 'Brownfield' sites (within city or town centres)

5.7 'Brownfield' lands, which may be defined as "any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces", Where such significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted.

(d) Inner suburban / infill

5.9 The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division:

(i) Infill residential development

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.....

(ii) Sub-division of dwellings

Many inner suburbs contain large houses on relatively extensive sites whose conversion to multiple dwellings without a dramatic alteration in the public character of the area is achievable.....

In other urban and suburban areas, particularly those consisting solely of semi-detached houses, which are proximate to existing or improved public transport corridors, planning authorities should consider policies which would permit more intense residential usage, subject to design safeguards e.g. end houses with more extensive plots and a capacity for limited extension might be appropriate for conversion to multiple dwellings. However, the need to retain green porous spaces within urban areas must be taken into account in drafting such policies

In this regard, it is to be noted that the provision of new infrastructure is not a requirement, as this area of Galway City is already serviced by sewers, water mains, roads and public transport etc. In terms of the recommended minimum density stipulated in the Guidelines, there are certain constraints with the site, namely its shape and the existence of lower density residential development in the vicinity, and the location of the site within an established suburb as defined in the City Development Plan. However, the proposed development, as permitted, generally accords with the principles of the Guidelines as they relate to provision of open spaces, density, mix and type of units etc. The principle of the proposed residential element of the development is acceptable, therefore, given the location of the subject site within Galway City and in close proximity to public transport links and the fact that the proposed

residential use is compatible with existing adjacent uses. There is a potential issues however, relating to the commercial element of the development in terms of compliance with the City Development Plan. This issue is discussed further below.

11.1.2 *Sustainable Urban Housing: Design Standards for New Apartments, (DoEHLG 2007)*

In terms of the residential unit types permitted, I note that the applicant has indicated that his 4 children will each occupy the 4 units proposed. The apartments provide for a floor area of between 124m² and 135m², with 3 double bedrooms, and a large open plan living / kitchen / dining space proposed. Adequate storage is also proposed within each unit. In this regard, I consider that the proposed residential element of the development adequately accords with the requirements of the Sustainable Urban Housing Guidelines.

11.2. **Compliance with the City Development Plan in relation to zoning & Housing Strategy:**

- 11.2.1 The R zoning objective for the subject site 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.* In this regard, it is considered that the principle of the proposed residential development is acceptable and in compliance with the existing policy and objective applicable to the subject site. In terms of the proposed commercial element of the development, it is notable that the R zoning facilitates a number of uses which are considered to be compatible with the R zoning objective, including local shops, local offices, banks etc. In this regard, I consider that the principle of the proposed mixed use development is compatible with the zoning objective of the City Development Plan and the development is acceptable in principle. As such, the issues for consideration pertaining to the proposed development, relate to the nature of the proposed development in terms of its scale, density and form as it relates to its surroundings and is discussed below.

It is acknowledged that national guidelines encourage the provision of higher density development in order to use serviced lands in a sustainable manner, but due to the sites location within an 'Established Suburb' within Galway City, regard has to be given to the existing nature of development in the vicinity of the subject site as well as the existing constraints within the site. That said, I do not consider that the proposed scale or density of the proposed development is excessive in terms of the zoning objective afforded to the subject site. The development, as permitted, proposes 4 residential units in the form of first and second floor apartments in a 3 storey building, together with commercial uses at ground floor level. This is acceptable in terms of mix and unit types, in my opinion. The issue of density has been discussed above and if anything, the density could be considered at the lower levels permissible on such zoned lands, and I have no objection to same.

Where a concern arises in relation to the proposed development, relates to the nature and scale of the proposed development, notably the overall heights given the nature of the area where the subject site is located. This area of

Rahoon, has a decidedly mixed scale of development including two storey semi-detached houses, detached houses, three storey buildings and small apartment blocks. The form and style of houses are however, somewhat uniform in that they generally have pitched roofs.

I do not consider that in principle, a grant of planning permission for the nature, scale or density proposed would represent a development which contravenes the requirements of the zoning objective for the site as per the City Development Plan, nor would a grant of planning permission in principle be contrary to the proper planning or sustainable development of the area, or indeed, impact upon the residential amenity of the adjacent properties so significantly as to warrant refusal. That said, however, the stated policy of the City Development Plan, at Section 2.4 of the Plan, provides that the proposed demolition of existing dwellings for higher density apartment development within the established suburbs, *will not be acceptable*. Exceptions to this policy are stipulated as follows:

- *Where it can be demonstrated that the proposed development would make a positive contribution to the area's urban design and*
- *Where it does not represent a major intervention into or redevelopment of the urban fabric.*

The Plan also states that the *assessment will be balanced with the contribution that any proposed replacement would make to enhance the character of the area and will have regard to the sustainable benefits of such development*. Exceptions to the policy will *only be considered on newly zoned residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity*.

In terms of the proposed development, I consider that the issue of whether the proposed new development makes a positive contribution to the area's urban design is subjective and it is clear that the appellants would not agree that the development as proposed would. In terms of intervention into the urban fabric, I consider that the proposed modern building would result in the redevelopment of the urban fabric at this location. I would not consider that the intervention is negative however. In terms of the policy requirements, I consider that the proposed development would represent a more sustainable building and residential experience on the site, and as stated above, the proposed increase in residential density on this serviced site, fully accords with the National Guideline requirements and standards. I accept that the area in the vicinity of the site is predominantly conventional housing, but there are apartment developments, and higher density residential developments also evident. Given the location of the site on the Rahoon Road, which is a major distributor road through Galway City, I consider that the proposed development is acceptable, will not reduce the existing residential amenity of the area and accords in principle, with the requirements of the policies of the

City Development Plan, as they relate to demolition of houses and developments in the Established Suburbs.

11.2.2 Galway City Council Housing strategy:

I consider it reasonable to refer to the Housing Strategy due to the nature of the proposed development, however, given that the development proposes 3 bedroomed apartments, with generous family sized living spaces, I do not consider that there is any concern of non compliance with the strategy.

11.3 **Compliance with General Development Standards:**

Plot Ratio: The proposal is to provide for 4 no. retail units and 4 no residential units on the site, providing for a stated plot ratio of approximately 0.44:1 which is within the maximum limit stipulated for the zoning afforded to the site, being 0.46:1. The issue of plot ratio is intrinsically linked to an appropriate site layout and residential mix, which affords protection to existing residential and other general amenities, can encourage and promote sustainable neighbourhoods and can accommodate the necessary open space provisions as required in the Development Plan and guidelines.

Building Heights & Visual Impact: In terms of the overall design of the development, the original proposal provided for the following:

Block A: a three storey building which provided for a mix of uses including 4 no. retail units at ground floor level and 4 no. apartments on the upper floors. The apartments proposed provide for 2 no. bedrooms and generous living spaces, and each apartment is set out over two floors. Access to the apartments is proposed at the rear of the building via an external staircase and shared walkway. The overall height of the building is 12.275m and it is proposed that a mixture of materials was be used on the external walls, including a nap plaster and natural stone with a blue black slate or concrete tile to the roof. It was also proposed to use a zinc cladding finish detail on the proposed curved wall fronting onto Ragoon Road. Windows and doors are indicated as selected uPVC double glazed and signage to the retail units is also indicated. I have no objection to the proposed finishes or general design of the building.

Block B: a two storey building which provides for 2 no. 2 bed apartments, both generous sizes, and each with their own front door. The first floor apartment is proposed to be access via an external staircase and walkway. The overall height of the building is 8.972m and it was proposed that a mixture of materials was be used on the external walls, including a nap plaster and natural stone with a blue black slate or concrete tile to the roof. It was also proposed to use a zinc cladding finish detail on the proposed curved wall facing onto Millars Lane. This building was to be located to the rear of Block A.

The design detail of the proposed development, was amended in the course of the Planning Authority assessment and the applicant, in response to the further information request, omitted the proposed Block B. Amendments to Block A, while maintaining a 3 storey building, reduced the overall height of the building by approximately 2m to 10.270m through the introduction of a flat

roof, and the amendment introduced a mixture of finishes including a nap plaster, a zinc finish, cedar-wood / marble / stone / vertical tiles or similar, select cut stone capping / pressed metal flashing or similar to top of parapet wall. Access to the upper floors of the buildings, and the 4 single level 3 bed apartments now proposed, is via a central access and the development is also to be served by a lift. Each apartment is to be provided with a private balcony space of 17m².

The proposed development provides for a rather low rise development in the context of the provision of apartment units, but within the subject site setting, the provision of 3 storey buildings, backing onto existing two and 2½ storey houses and buildings, I have no real concern. I do however, have a concern at the apparent lack of decided finishes to the building, and should the Board be minded to grant permission in this instance, I recommend that a specific condition in relation to finishes should be included.

Overlooking / Overshadowing: The distances from the proposed mixed use building to the boundary of the existing houses at Gort Gréine is indicated as being between 11.5m to 22m approximately. Due to the position of the subject site as it relates to the houses in Gort Gréine, the proposed development will not overlook the private open space of the nearest house, notwithstanding the provision of balconies on the upper floors of the building. Given the orientation of the site, being located to the north of the adjacent residential estates, there will be no issue regarding overshadowing associated with this proposed development.

Having regard to the nature of the subject site, I do not consider that the development of a 3 storey building on the subject site, would alone, result in a significant overlooking or overshadowing of existing adjoining properties. In this regard, I would have no objection to the proposed development and consider that the scale and height of the proposed development is acceptable at this location, having regard to the requirements to protect the existing residential amenities of this area of Ragoon.

Open Space: In relation to private open space, each of the proposed apartments, as permitted, is provided with an area of open space in the form of a balcony, which will provide for 17m² of private open space. In terms of compliance with the City Development Plan, Section 11.3.1(c) of the Plan requires that 50% of the floor area of the residential unit, although, the plan does provide that:

This open space should where practicable relate directly to the residential unit, which it serves. Some sites will not have the facility to accommodate all of the required provision of the total private amenity space directly and satisfactorily adjoining each individual unit. Therefore, in certain site conditions and development types, provision of private open space may be made up of areas of communal open space, for example, in apartment developments provision of private open space may be made up of areas of communal open space, balconies or terraces.

In terms of the *Sustainable Urban Housing: Design Standards for New Apartments, 2007* provides that a minimum balcony for a 3 bed apartment is 9m². In this regard, I am satisfied that the proposed private open space areas associated with the residential element of the proposed development, generally accord with the minimum standards required. I have no objections to the proposed private open spaces associated with the proposed development.

Communal Open Space: The proposed development provides for a large area of communal open space, located to the rear of the proposed building on the site, and overlooked by all of the proposed 4 residential units. The communal open space requirements in the City Plan requires that a minimum of 15% of the gross site area be provided. The area of the subject site is stated at 1864m², resulting in a requirement of a minimum of 279.6m². The bulk of this communal area is provided at the rear of the proposed building, with further smaller and informal areas located throughout the site. In general terms, I have no objection to the proposed development as it relates to the provision of communal open space.

Car Parking: The development as permitted provides for 4 no. 3 bed apartments, occupying between 124m² and 135m², and 4 no. retail units, each occupying approximately 60m². The proposed development provides for 21 no. spaces, 2 of which are designated for disabled drivers.

The City Development Plan, at Section 11.3.2(c) relates to car parking standards and states as follows:

- *1 on-site per dwelling and 1 grouped visitor per 3 dwellings or,*
- *1 space per dwelling if grouped.*

Section 11.8.1 of the Plan deals with general car parking requirements as follows:

- *Shops & Supermarkets: 1 space per 15m² of gross floor space.*
- *Office & Banks: 1 space per 25m² of gross floor space*

In terms of the proposed development, and using the above formulae, the following car parking is required:

- 1 on-site space per dwelling and 1 grouped visitor space per 3 dwellings would require **5.33 car parking spaces**
- 1 space per dwelling if grouped would require between **9.6 and 16 car parking spaces**

In this regard, and at the minimum requirements, the proposed development requires 21 car parking spaces to adequately service the development as proposed. I consider that the proposed car parking provision is acceptable and adequate to service the proposed development. A minimum of 5 car parking spaces should be exclusively retained for the residential element of the overall development. The most appropriate location for these designated car parking spaces in my opinion, would be to the rear of the building.

Bicycle parking is also required to be facilitated within the site. Section 11.3.1(g) deals with bicycle parking provision and states that 25% of the

visitor car parking spaces with a minimum of 1 stand to be provided. Having regard to the development as proposed, 4 retail units and 4 residential units, the bicycle parking requirements is 5 cycle spaces, being one stand. A condition of any permission should be included for the provision of same in any grant of planning permission.

Refuse storage: The arrangements for the storage and collection of waste are addressed in the submitted proposed development layout. The layout as presented provides for a communal bin storage area, to be located to the rear of the permitted building. The bin store is located at a distance of approximately 9.5m from the existing residential boundaries and I consider that this arrangement is acceptable.

Internal Spaces & Residential Amenity: I have discussed the issue of the proposed internal spaces within the apartments proposed in the development above, and note that the proposed spaces adequately provide for families. The storage provision also proposed is in accordance with the guidelines. In this regard, I am satisfied that the development accords with all the minimum standard elements stated in the *Sustainable Urban Housing: Design Standards for New Apartments*, (DoEHLG 2007).

11.4 **Other Issues as raised in the appeal:**

11.4.1 Traffic issues:

The proposed development is intended to access onto the Ragoon Road at a point where there is a solid white line in place. Sight visibility from the proposed access is somewhat restricted towards the city centre due to the vertical alignment of the roadway. That said, I estimate that the available distances at the proposed entrance is in the region of 80-90m and given the carrying capacity of the public road, the lack of objection from the Galway City Roads Section, and notwithstanding the stated objections of the appellants, I accept that the potential impact of the development on the existing road will not be so significant as to warrant refusal. I also note that the proposed layout of the site will provide for an alternative access to the site from the existing vehicular access over Millars Lane. While the roads in the vicinity of the site, may be subject to congestion at peak times, consideration must also be given the fact that the proposed development is located within an area where public transport services are well established and the site is very accessible to these services. Also, car parking is provided for within the site in accordance with the requirements of the City Development Plan.

The proposed development intends to provide for adequate levels of car parking to service the uses on the site and I consider that the proposed development will generate minimal traffic and have a negligible impact on the existing traffic movements in the vicinity of the site. In this regard, I also note that the Roads Section of Galway City Council have no objection to the proposed development from a traffic view point. As such, I consider that the proposed development is acceptable in terms of traffic.

11.4.2 Landscaping:

In the course of the assessment of the proposed development, having due regard also to the amendments to the overall design and scale of the development, a central concern related to the landscaping plans for the site, and notably, the potential loss of trees. Indeed, the clarification requests issued by Galway City Council, related solely to this matter. From the planning authority file, I note that on the 16th day of February, 2010, a landscaping plan, with a supplementary letter, was submitted with respect to the proposed development. An email from the Parks Section of Galway City Council, dated 9th February, 2010, indicates that the proposals as set out are acceptable.

The letter submitted to the Planning Authority indicates that the

1. *trees identified on landscaping scheme as pre Radharc Drawing No. 09/715/01 Rev A – existing Beech (tree no. 1353) and existing sycamore (tree no. 1352) are now to be retained with tree surgery to reduce the crowns by 50% for safety reasons. Trees may be reduced to Pollards over time as discussed.*
2. *Landscape works are to be carried out in accordance with above stated drawing.....*

I have considered this matter and scrutinized the attached drawing and find that while there appears to be a commitment to retaining the two mature trees to the front of the site, the associated drawing, submitted on the same date and referred to in the letter, clearly provides for the removal of the stated trees. The drawing provides supplementary notes as to the current status of the trees. Notwithstanding my non objection in principle to the overall design concept for the proposed development on this site, I consider that the loss of the above mentioned trees, would significantly alter the nature of the receiving environment, and would affect the ability of the development to assimilate successfully into this suburban landscape. I am also cautious of the statement within the body of the letter submitted regarding the fact that the *trees may be reduced to Pollards over time*. This statement, while perhaps logical and practical, would not suggest to me that the appropriate efforts will be made in order to protect the trees and to ensure their future. Finally, I am not clear, in terms of the final landscaping plan submitted on the 16th February, 2010, what implications the retention of the two trees has on the overall plan for the front of the site. While I have concerns in relation to this element of the overall development, I do not consider that this issue alone should warrant refusal of planning permission. However, should the Board be minded to grant permission in this instance, a specific condition in relation to the protection of the trees, and the overall landscaping plan, should be included.

12.0 CONCLUSION & RECOMMENDATION:

12.1 Conclusion:

Having regard to the location of the subject site within Galway City, the specific zoning objective relating to the site and the existing uses in the vicinity of the site, I consider that the principle of the proposed residential development at this location is acceptable. In terms of the proposed commercial element, I consider that a condition requiring agreement of the final uses should be included in order to ensure that the final uses will be such

that comply with the specific zoning objective for the subject site. Having regard to the level of car parking proposed, and the capacity of the receiving road, I do not consider that the development if permitted, will result in so significant an impact on the existing traffic flows in the vicinity of the site as to warrant refusal of permission. I further consider that a specific condition regarding the retention and protection of trees should be included, as well as a condition relating to the final finishes of the building.

12.2 **Recommendation:**

It is recommended that permission be **Granted** for the proposed development subject to the following conditions;

REASONS & CONSIDERATIONS

Having regard to the provisions of the current Galway City Council Development Plan and the residential zoning afforded to the subject site, as well as the pattern of existing and permitted development in the vicinity it is considered that, subject to compliance with the following conditions, the proposed development would not be contrary to policy and the proper planning and sustainable development of the area and would be an appropriate form of development. The proposed development would not be injurious to the residential or general amenity of the area, will not result in overlooking or overshadowing of adjacent properties and will not have such a significant impact on the roads network and traffic flows in the vicinity of the site to warrant refusal.

CONDITONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted the 13^h day of May, 2009, and further amended 17^h day of August, 2009 and 16^h day of February 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

3. Prior to the commencement of development, a landscaping and boundary treatment scheme shall be prepared for the site and shall be submitted to, and

agreed in writing with, the planning authority. The scheme shall include full details of trees to be retained in accordance with the letter submitted to the Planning Authority dated 16th day of February, 2010 and requirements of the planning authority, as well as details of proposed species and location of new planting on the site. The Plan shall provide for full and detailed proposals regarding the protection of the identified trees for retention, including the Beech (tree no. 1353) and Sycamore (tree no. 1352) located to the north / north west of the site. Notwithstanding the submission of the Landscaping Plan, drawing no. 09/715/01 from Radharc Landscape Design, no permission is granted for the removal of these trees. The landscaping scheme shall be implemented fully in the first planting season following the completion of the development.

Reason: In the interests of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. Prior to occupation of the commercial units, full details of the proposed occupier and the nature of the business to be operated, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of residential amenity and in order to ensure that the proposed uses of the commercial units complies with the zoning objectives for the subject site.

8. The proposed retail units shall not be interconnected.

Reason: To ensure appropriate commercial scale in the Established Suburb and in the interests of protecting residential amenity.

9. Five car parking spaces within the scheme shall be dedicated to and reserved for the exclusive use of the residents of the development.

Reason: In the interests of residential amenity, traffic safety and the proper planning and sustainable development of the area.

10. Provision shall be made within the development site for one bicycle stand (5 no. bicycle parking spaces).

Reason: In the interests of traffic safety and in order to comply with the requirements of the Galway City Development Plan 2005-2011.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

A. Considine
Planning Inspector
26th August 2010