



An
Bord
Pleanála

Inspector's Report

ABP-304559-19

Development	Demolition of a building and construction of a residential block comprising of 9 units.
Location	Lenaboy Gardens, Salthill, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18/392
Applicant(s)	Highgate Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Lenaboy Gardens Residents Association.
Observer(s)	None.
Date of Site Inspection	20 th August 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of .1135 hectares and comprises a brownfield backland site located between Lenaboy Gardens to the northwest and Salthill Road Upper to the south in Salthill approximately 2.8km south west of Galway City Centre. Lenaboy Gardens is a quiet cul de sac fronted by two storey houses with front gardens facing onto the rear gardens of properties which front onto Salthill Road. Parallel parking is provided on the western side of Lenaboy Gardens. Salthill Road Upper is a main street of Salthill accommodating residential dwellings, guesthouses and general commercial uses. Lenaboy Gardens is a quiet residential cul e sac with dwellings on site of the road only facing southwards onto the rear gardens of the dwellings and premises that front onto Salthill Road. The houses on Lenaboy Gardens consists of 1930s houses generally 2 storey or 2 storey with dormer detached or semi-detached dwellings.
- 1.2. The appeal site envelops the rear gardens /backlands of 180-184 Salthill Road Upper. Ground levels on the appeal site are significantly below road level with a downward slope from Lenaboy Gardens to Salthill Road Upper. The boundary of the site to Lenaboy Gardens is defined by a wall 0.95m high which has been recently breached with an entrance gate with infilled coarse aggregate providing access into the site. I note that the submitted site survey does not demonstrate these works. Pre-existing structures have also been removed

2.0 Proposed Development

- 2.1 The proposal as initially set out in public notices involves permission for a residential development consisting of the demolition of an exiting building an construction of a four and a half storey residential block comprising of 6 two-bed and 6 three-bed duplex units with surface parking to be accessed from Lenaboy Gardens along with all associated site works and service connections.
- 2.2 Following issue of a request for additional information, the design of the proposal was revised resulting in a proposal for 9 units with a total gross floor area of 838sq.m. The revised scheme includes a mix of conventional part 2 storey and part

3 storey 3bed terraced houses (5 in total) along with 2 no 2 bed duplex units and 2 no 1 bed apartments. The proposed building presents as a 2-storey building from Lenaboy Gardens street level and three storey to the rear. Private open space is provided to the rear of the dwellings with a grouped parking to the front and a public landscaped open space 62.24m² to front. A single vehicular access and a separate pedestrian to the site are proposed. A communal bin store is proposed at the site frontage adjacent to the proposed public open space.

- 2.3 In relation to Part V obligations documents submitted with the initial proposal indicated that it is proposed to transfer 1 no apartment off site to Galway County Council at a discounted cost.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 2 May 2019. Galway City Council issued notification of its decision to grant permission for the development subject to a number of conditions which included the following of particular note:

- Condition 11. Details for provision of a charging point for electrical vehicles to be submitted.
- Condition 19 Development Contribution €84.351 in accordance with the Development Contribution Scheme.
- Condition 20. Cash deposit / Bond for satisfactory completion of works.
- Condition 21. Part V agreement prior to lodgement of commencement notice.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial Planning Report considers that while a higher density on the site is appropriate the proposal is excessive in terms of density having regard to the established

character of the area. The height is considered excessive and out of context. A request for additional information issued seeking a number of issues including.

- Revised proposal for reduced density taking account of the prevailing character.
- Design revisions and boundary detailing.
- Assessment of traffic capacity and safety
- Revised parking layout to address public realm. Compliance with DMURS with regard to pedestrian priority and single access. Alternative access from Salthill Road to be considered.
- Servicing details to include liaison with Irish Water with regard to diversion and protection measures for watermain and foul pipe running through the site.
- Additional and improved bike parking.
- Landscaping and a demonstration of amenity / open space provision in compliance with development plan standards.
- Details of intended tenure.

3.2.1.2 Following submission of additional information the second report considers the revised proposal to be acceptable. With regard to plot ratio, scale and streetscape, this is a residentially zoned area with a legacy of higher density urban housing and apartments. The site is one of the few remaining infill sites in this area in close proximity to services, a major public road and services. Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Building Control report indicates no objection.

3.2.2.2 Transportation Department – I note that the initial report of the transportation department was not provided to the Board by the City Council and having interrogated the online planning enquiry system, I was also unable to discover the document however the Planner's report outlines its content. It notes that parking

proposals are inconsistent with other similar developments in close proximity which provide for single access point gated with internal parking provision. Concerns are expressed for pedestrian safety. Alternative access arrangements from Salthill Road and Emerson Avenue should be considered. Proposal requires a significant importation of fill material in order to make up ground which is undesirable in terms of construction impacts. Final report indicates no objection subject to standard conditions.

3.3. Prescribed Bodies

3.3.1 Irish Water submission indicates no objection subject to standard conditions including connection agreement. Irish water infrastructure capacity requirements subject to Irish Water Capital Investment Programme. Diversion of combined sewer prior to commencement of works.

3.4. Third Party Observations

3.4.1 Submission from Richard & Patricia Healy and family, owners and residents of hair dressing salon and residence at 184 Upper Salthill. Object to the proposal on a number of grounds. Notable misleading reference to demolition of building on site. Density height scale and mass is excessive resulting in overdevelopment, overshadowing and traffic issues. Second submission following submission of further information maintains objection and expresses concern that the revised proposal is closer to property. No shadow studies provided and rear elevation substandard in design and treatment. Density scale and height remains excessive.

3.4.2 Submission by Lenaboy Gardens Residents Association, raises issues with regard to unauthorised breach of wall. Buildings on site were demolished in September 2018. Excessive density resulting in overdevelopment. Amenity issues arising from proposed bin store location. Access and servicing issues. Traffic hazard and parking. Water pressure issues. Relationship to dwellings on Emerson Avenue. Design out of character. Refusal reasons for previous proposals 10/338 and 03/648 remain valid. An attachment, comprising report by Colin Buchanan and Partners in respect of previous application 648/03 concluded that the Lenaboy cul de sac is of an unsuitable standard to cope with additional traffic arising. Second submission by

Lenaboy Gardens residents association reiterated concerns noting failure to address traffic issues. Plot ration remains excessive. No assessment of impact on water pressure. Development out of keeping. Part of the site previously occupied by Kenny Book Bindery was regularly affected by blockages in the main sewer. Previous access from Salthill Road Upper closed off by the applicant.

4.0 Planning History

245041 (15/18) Site incorporating the current site but also included frontage on Salthill Road. The Board granted permission for demolition of existing single storey flat roof building and the construction of one number detached dwelling house with associated basement and all ancillary site works, boundary treatments, new access from Lenaboy Gardens road, connection to public sewer, watermains surface water system and all associated site works and landscaping. Access was from Lenaboy Gardens.

205728 03/648 Site (178 & 184 Salthill Road Upper) included the current site and lands fronting onto Salthill Road Upper. Proposal was for renovation and extension of house 184 to provide 3 apartments, demolition of 178 and construction of 2 offices and one apartment, 11 apartments fronting onto Lenaboy Gardens, access and parking. The Board confirmed decision of Galway City Council to refuse permission.

Refusal reason was as follows:

“It is considered that Lenaboy Gardens, having regard to the presence of on-street parking to serve the existing residents, is substandard in terms of width to facilitate vehicular access to the basement level of the proposed development. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction to road users.”

Adjacent sites

248081 16/160 Site formed by part of rear gardens of No 188 Upper Salthill. Outline permission refused for construction of detached two storey over basement dwelling. Refusal was on basis of following

“On the basis of the submissions made in connection with the application and the appeal, the Board is not satisfied that the proposed development would not

endanger public safety by reason of traffic hazard due to interference with the safe and free flow of traffic and pedestrians. It has not been demonstrated that the additional vehicular turning movements that would be generated on the cul-de-sac, along the opposite side of which there is parallel parking, and which is narrow in width and close to a junction, can be safely accommodated.”

223669 07/202 184 Upper Salthill Galway. Permission granted for part conversion and rear extension to dwelling house to create a residential unit and hairdressing studio.

5.0 Policy Context

5.1 National Policy and Guidance

- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities. Department of Environment, Heritage and Local Government, May 2009.
- Urban Design Manual A best practice Guide. May 2009.
- Design Manual for Urban Roads and Streets, DMURS
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – Department of Housing Planning and Local Government March 2018
- Urban Development and Building Height Guidelines, Department of Housing Planning and Local Government, December 2018

5.2 Development Plan

5.2.1 The Galway City Development Plan 2017-2023 refers. The site is zoned R – Residential. The 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 site is within an area defined as “Established Suburbs” Development Plan notes in relation to ‘Established Suburbs; *“It is recognised that these areas are dynamic, and that potential still exists for some additional residential development which can avail of existing public transport routes, social and physical infrastructure. It is the priority of the Council to ensure that new development will not adversely affect the character of these areas.”*

Section 11.3 Standards for residential development.

5.1. Natural Heritage Designations

- The Galway Bay Complex SAC (00268) 147m
- The Inner Galway BAY SPA Site Code 004031 215m
- Lough Corrib SAC 1.5km
- Connemara Bog Complex SAC (002034) 11.7km
- Lough Corrib SPA 4.5km

5.2. EIA Screening

- 5.2.1. Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Stephen Dowds Associates, Town Planning Consultants on behalf of Lenaboy Gardens Residents Association. Grounds of appeal are summarised as follows:

- Notably the notification of decision was not posted until 10th May and received 13th May despite decision having been made on 2 May and details were not uploaded to the internet until 14th May. Short timescale made it difficult to enable residents to organise a submission.
- No objection in principle to development of the site however objection is to scale and nature of the proposal
- Concern regarding traffic implications. Residents are entirely dependent on the on-street car parking and the road has no turning circle so frequently vehicles including delivery vans and refuse trucks must reverse out.
- Applicant did not address request traffic issue despite the request in further information.
- Previous refusal 205278 refused on grounds of traffic hazard. That proposal while larger included an egress onto Upper Salthill Road.
- Refusal for single house on adjoining site to the was 248081 on grounds of traffic hazard.
- Parking visually dominant and obtrusive.
- Height and density out of character.
- Unauthorised access created from the site to Lenaboy Gardens. Demolition in advance of permission renders the public notice invalid and misleading.
- Site was previously occupied by Kenny's Book Bindery and this building was regularly affected by blockage in the main sewer. It is not clear that this problem has been rectified.

- Concerns regarding water pressure. Notably established dwellings at a higher level and more vulnerable to falls in pressure
- No Appropriate Assessment Screening carried out.
- In the event the Board considers permission a number of details of concern. Bin store visually obtrusive impractical and troublesome. Where are bins stored awaiting collection? Matters of landscaping, paving, traffic management, lighting, boundary treatment should be clearly detailed and not be left as matters of compliance thereby discounting potential third-party involvement.

6.2. Applicant Response

6.2.1 The response submitted by McCarthy Keville O Sullivan Planning and Environmental Consultants on behalf of the applicant is summarised as follows:

- Previous refusal under ABP205728 03/648 was for a much larger scheme.
- FI response provides for onsite parking with a single point of access with all parking manoeuvring to take place within the proposed parking area on the site. Revised layout results in clear segregation of access for vehicles and pedestrians and complies with DMURS guidance in prioritising pedestrians.
- Regarding height and density, the revised scheme provides for conventional part 2 storey part 3 storey terrace houses align with duplex units and 2 no 1 bed apartments. Redesign scheme has roof height of 16.68m. Height and density appropriate in line with national and local policy.
- In relation to allegations of unauthorised demolition. Some site clearance works have taken place following receipt of letter from Galway City Council under the Derelict Sites Act 1990.
- Regarding appropriate assessment screening a report is provided in response to ground of appeal to address this issue.
- Regarding concerns in respect of drainage and water supply notably Irish Water indicated no objection.
- A revised bin store drawing is provided for the Board's Consideration. The revised design omits the roller door and incorporates stone cladding.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal can be considered under the following broad headings.

- Principle of development
- Procedural issues
- Quality of design & layout.
- Traffic and Access
- Appropriate Assessment & other matters.

7.2 Principle of development

7.2.1 As regards the principle of development, the site is zoned R – Residential. The objective seeks 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. I note that the site is well located in close proximity to all amenities and to public transport and therefore proposal is in accordance with the general policy desirability to increase densities within serviced urban areas in the interest of efficient land use resources and economies of scale. I consider that having regard to the central location of the site and mixed character of the area densification of the site for residential use is appropriate. Therefore, the focus for assessment is on the detailed nature of the development with particular reference to impact on the streetscape, impact on established residential amenity and traffic impact. Procedural matters raised within the submissions by the third-party appellants also need to be addressed as does the issue of Appropriate Assessment. As regards the detail of the proposal I note that

the following assessment is based on the revised proposal for 9 dwelling units submitted in response to the request for additional information.

7.3 Procedural Issues

7.3.1 On the matter of alleged delay in notification of the decision and online publication of relevant documents by the Local Authority, I note that procedures adopted by the Planning Authority are matters which are beyond the remit of the Board in terms of determining the application on its planning merit. On the question of adequacy of the site notices, the third parties considered that these were misleading in terms of reference to “demolition of existing building” when apparently the pre-existing building had been demolished in September 2018 prior to publication of public notice 30th November 2018 and erection of site notice 3rd December 2018. The third parties also refer to the alleged unauthorised breach of the wall to create an entrance to Lenaboy Gardens. I note also that the site notice does not reference the importation of soil and recontouring of the site. As regards matters of enforcement, these are issues for the planning authority however I would tend to concur with the third parties that the inaccuracy in development description has the potential to mislead third parties therefore in the event that the Board were to consider a permission I would recommend that revised accurate site notices be requested.

7.4 Quality of Design and Layout

7.4.1 Reviewing the residential amenity of the proposed dwelling units, I note that the floor areas of the proposed dwellings and apartments largely meet the minimum standards in terms of floor areas and private open space provision and provide for an adequate standard of residential amenity. The proposed duplex unit 4 (2 bed 4 person) is somewhat restricted in terms of aggregate kitchen living dining space 24.62sq.m where the Sustainable Urban Housing: Design Standards for New Apartments Guidelines require a minimum Aggregate floor area of 30sq.m. Within the apartment units (one bed) the figures for aggregate kitchen living dining are 22.32sq.m (unit 6) and 22.69sq.m (unit 7) where the guidelines require 23sq.m. Storage space provision is not detailed. Some aspects of layout within the dwellings

are curious with kitchen living on lower ground floor and sitting room at first floor level.

7.4.2 As regards the proposed overall design, the scheme provides for a contemporary approach to conventional terraced house typology and achieves a ridge height similar to that of the adjacent dwellings on Emerson Avenue / Kingshill. I note the positive impact of the provision of an active façade to address the cul de sac streetscape providing for passive surveillance. Attention to landscaping treatment and detailing to car parking area and open space and bin store would be required to enhance presentation to the public realm. I have however some concerns with regard to the interface with Emerson Avenue / Kingshill and the potential for pedestrian / cycle permeability within the overall context.

7.4.3 Appraising the relationship of the proposed development to the established dwellings on Lenaboy Gardens, the established dwellings are elevated c2m over proposed ground floor level and this height difference and set back will mitigate visual impact arising. As regards dwellings on Emerson Avenue / Kingshill, I note the potential for overlooking of adjacent dwellings from the proposed first floor rear balcony of proposed dwelling 9, however this could be appropriately addressed by balcony design /screening. As regards adjacent properties fronting Salthill Road Upper, having regard to the separation distance involved undue overlooking or overshadowing does not arise and in my view the proposal will not be detrimental to established residential amenity.

7.4.4 I have concerns however that the layout requires further evolution particularly with regard to the interface with established dwellings on Emerson Avenue. I also note that the location of the proposed pedestrian gateway would not coincide with pedestrian desire lines having regard to the nature of Lenaboy Gardens as a somewhat abrupt cul de sac. I also note that the proposal provides for a footpath across the site frontage and the tie in is not addressed. In my view additional detailing is required to address the matter of pedestrian and cycle permeability to ensure that the opportunity to enhance the character of the area and ensure that

pedestrian movement is prioritised. Regard should also be had to potential future development proposals on the adjoining site.

7.5 Traffic and Access.

7.5.1 The issue of traffic is a key concern raised in the third-party appeal. As noted presently Lenaboy Garden's residents rely entirely on the on-street parking within this cul de sac. The cul de sac is of varying width, between 5.7 and 6.7m, and the usable space is further reduced arising from the presence of parked cars along its length which results in potential for obstruction and hazard. The cul de sac terminates abruptly with no turning area. On the date of my site visit (Tuesday morning c 10am) I noted that spaces along this cul de sac were largely occupied. The first party notes that the current proposal provides for a single access point similar to that previously permitted for the single dwelling 245041 (15/18) and it is asserted that all manoeuvres will take place within the proposed parking area. However, I am concerned that the level of traffic arising from a 9-unit (21 bed) development has the potential for a significant intensification of traffic along the cul de sac. I also note that the proposal involves the importation of a significant amount of fill material and therefore I consider that traffic and transport arrangements during the construction period should also be addressed. I would concur with the third-party appellants that additional information is required in this regard including a swept path analysis and traffic impact assessment. I consider that insufficient information has been provided to demonstrate satisfactory standards for the proposed development eliminating concerns with regard to the potential for obstruction and risk to public safety.

7.6 Appropriate Assessment & Other Matters

7.6.1 As regards servicing, I note that the third-party appellants raise concerns with regard to water pressure and historical sewage blockages on the site. However technical reports on file including submissions from Irish Water raised no specific concerns in this regard.

7.6.2 On the matter of appropriate assessment, having regard to nature and scale of the proposed development, the fully serviced nature of the site and proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

Having considered the contents of this appeal in detail, the planning history on the site, the decision of the planning authority, the provisions of the Development Plan, the national guidelines, the grounds of appeal, my site inspection and my assessment of the planning issues, I consider it appropriate to recommend to the Board that permission be refused for the following reason:

REASONS AND CONSIDERATIONS

On the basis of the submissions made in connection with application and the appeal, and in the absence of detailed analysis including a traffic impact assessment, a swept path analysis and a detailed strategy to address pedestrian and cycle permeability, the Board is not satisfied that the proposed development achieves an appropriate standard of development and would not endanger public safety by reason of traffic hazard due to interference with the safety and free flow of traffic and pedestrian safety due to the additional turning movements that would be generated on the cul de sac along the opposite side of which there is parallel parking.

Bríd Maxwell

Planning Inspector

03 September 2019