



An
Bord
Pleanála

Inspector's Report PL61.247872

Development	Construction of 3no. detached dwellings & associated site works, demolition of small outhouse/shed with access via Knocknacarra Road and amendments to PL61.224664 (reg.ref.06/881 & 12/219)
Location	Knocknacarra Road, Salthill, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	16/240
Applicant(s)	Vincent O'Connor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party against Conditions
Appellant(s)	Vincent O'Connor
Observer(s)	Bernadette Egan
Date of Site Inspection	18 th of April 2017
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The site of the proposed development is located immediately to the south of Knocknacarra Road (R336), approximately 4km west of Galway city centre. There are a wide range of land uses in this area and residential development made up of a range of housing types. The site is flanked to the east by a single storey house proximate to the junction with the access road, which appears somewhat elevated as it is set on a platform and hardstanding. There is further detached housing of varying design and heights to the west including a proximate two storey house with access from Gentian Hill. There is also a mix of single and two storey housing on the opposite and northern side of the R336.
- 1.1.2. There is a roadway to the east which provides access to Galway Golf Range (on the east side of the road) and a caravan park (to the east and west of the road). This road also forms part of Slí Chonamara, a walking route that at this location links Knocknacarra Road to Salthill via a pathway along the edge of Galway Bay. There is a hotel and golf course to the east of the golf range and there are views southwards across the golf course from Knocknacarra Road over the bay.
- 1.1.3. The appeal site has some 15 linear metres of frontage onto the road to the east and has some 75 metres of road frontage onto Knocknacarra Road. The main body of the site lies several metres below the level of Knocknacarra Road and slopes in a southerly direction towards Galway Bay. Excepting a small shed near the proposed entrance, the site is undeveloped. There is a stone wall along the Knocknacarra Road frontage and there is a steep slope to the ground level proper of the site from this wall. The site has been worked on some time back with evidence of hard surfacing throughout. It is of noted that the site has been colonised on its northern side (facing the R336) by some dense tree and shrub vegetation, which provides screening. There is a view from the road across the site towards Galway Bay.
- 1.1.4. The area immediately to the south has also had some man-made interference over time in the form of surfacing and abuts inlets forming part of the bay. The southernmost end of the site lies within a designated Natural Heritage Area, the Galway Bay Complex. There are views to the Bay and to the Strand from the site.

2.0 Proposed Development

- 2.1.1. This is to consist of the Construction of 3 no. detached dwellings & associated site Works: demolition of small outhouse/shed; with access via Knocknacarra Road, and amendments to the previous scheme approved under ABP Ref. PL61.224664 and Reg.Ref. 06/831 & 12/219.
- 2.1.2. The Planning Application form provides that the site area is 0.484ha, the floor space of the proposed works is 795.1sq.m; the building proposed for demolition is 13.4sq.m. Plans and Particulars submitted include a Site Layout Plan, Floor Plans, Sections and Elevations.
- 2.1.3. It is provided that the development can be connected to existing services and Drainage Plans and Details are submitted. It is also noted that the site is proximate to a European Site and NHA. An Appropriate Assessment Screening Report has been submitted.
- 2.1.4. Subsequently unsolicited Further Information to include a Planning Statement was submitted. This provides details of the site location and context, planning history and regard to key planning issues.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th of December 2016, Galway City Council granted permission for the proposed development subject to 18no. conditions. Many of these are related to infrastructural construction related issues. The following are of note:
- Condition no.2 provides for modifications on the proposed design and layout of the development.
 - Condition no.3 provides that the conclusions in the AA and Bat Survey shall be implemented.
 - Condition no.4 provides that the landscaping details shall be implemented.
 - Condition no.5 provides that the dwellings shall be used as a single dwelling units only.

- Condition no.8 relates to external finishes.
- Condition no.15 refers to a management company to be set up.
- Condition no.16 relates to Development Contributions.
- Condition no.17 provides for compliance with Part V of the Planning and Development Act 2000(as amended).
- Condition no.18 relates to the provision of a Development Bond.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context, planning history and policy and to the submissions made. While they considered the contemporary design acceptable, they note that the proposed height of the dwellings is slightly above that previously approved and that the dwellings do not comply with the single storey restriction in Section 11.2.8 (LDR zoning) of the GCDP 2011-2017. They noted that the AA Screening Report concludes a 'finding of no significant effects' and in view of this consideration they provide that the development can proceed. They also note that additional measures such as tree planning and low lighting will favour bats post construction.

They recommended that Further Information be requested to include the following:

- Having regard to the panoramic views outlined in the GCDP 2011-2017 they requested that the dwellings be reduced to a maximum of 5.8m in height.
- They noted that the proposal is not in compliance with S.11.2.8 LDR zoning as the proposed dwellings exceed single storey in height.
- They requested that revisions be made to the balcony design.
- They requested revised drawings showing the provision of 1 visitor parking space, and to reduce the entrances to 3m as per section 11.3.1(g) of the GCDP.
- They requested F.I relative to Part V in this case.
- They requested that photographs be submitted of the shed to be demolished.

3.2.2. Further Information Response

Planning Consultancy Services response on behalf of the applicant includes the following:

- They provide that the height of the proposed development would not block or impede protected views. The revised drawings have included a reduction in ceiling heights.
- They submit that the proposed development is neither inconsistent with the pattern of development of the area nor the Planning History of the site.
- They refer to revised elevations which relate to compliance with concerns regarding the balcony issue.
- They have submitted revised Site Layout Plan showing a visitor parking space included and the vehicular entrance reduced to 3m.
- They submit a response to the issue concerning Part V.
- Photographs showing the shed to be demolished have been submitted.

3.3. **Other Technical Reports**

The Environment or Planning, Economic Development Departments of the Council, do not object to the proposed development subject to compliance with conditions.

Irish Water do not object to the proposal subject to compliance with conditions.

3.4. **Prescribed Bodies**

The Department of Arts Heritage Regional Rural and Gaeltacht Affairs

They have concerns regarding the proximity of the footprint of the proposed development in relation to the European sites and in particular Galway Bay Complex cSAC. They note that an AA Screening Report has been submitted and provide that the Council must be satisfied that the proposed development will not have a negative impact on the nearby conservation sites. They requested a copy of any additional information received for review or comment or in the event of a decision being made a copy of same.

3.5. Third Party Observations

3.5.1. A Submission has been received a local resident (the subsequent Observer) and includes the following:

- The proposal for two storey houses is in material contravention of the land use zoning for low density development.
- The increased density would also have an impact on traffic safety.
- The scale and proportion of the dwellings is excessive and of poor quality design.
- The proposed development also changes the roofline as permitted in previous applications and so has a negative impact on protected views and prospects.
- The proposed development is contrary to the proper planning and sustainable development of the area.

3.5.2. Response to Submission

A response has been received on behalf of the applicants which includes the following:

- The subject application is not materially different from that previously permitted by ABP (Ref.PL61.224664 refers).
- The density of 3no houses on site is already established in the existing permission. No additional traffic impact will arise.
- In terms of visual impact, the proposed house design is not dissimilar to those already permitted on site. The utilisation of simple, yet high quality materials is appropriate, to this location.
- The proposed roofline and visual impact is almost identical to that permitted.

4.0 Planning History

4.1.1. The following concerns the planning history of the subject site:

- Reg.Ref. 06/831 - Permission granted subject to conditions by the Council for the construction of 4no. dwellings with associated site works. Subsequent to a

Third Party Appeal from An Taisce, the Board granted permission for the proposed development (Ref.PL61.224664 relates) subject to the inclusion of the condition no.2 which is as follows:

2. (1) *Only three houses shall be erected on the site, the layout shall be revised so that there is a greater separation distance between houses.*
- (2) *The roof lanterns/lights shall be omitted.*
- (3) *The turning area shall be relocated to the northern side of the access road.*
- (4) *The access road width shall be reduced to 4.5 metres, thereby increasing the landscaping area at the southern boundary of the site.*

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for agreement prior to commencement of development.

Reason: In the interest of visual amenity and the protection of the Natural Heritage Area/ candidate Special Area of Conservation/proposed Special Protection Area.

- Reg.Ref.12/219 – Permission granted on January 11th 2013 for *Extension of Duration of Planning Ref.06/831 – Permission for construction of four no. dwellings, with associated site works.* This permission was extended until 13th of January 2018. It is noted that although the descriptions referred to 4no. dwellings, only 3no. units were permitted (i.e. refer to condition no. 2 of the Board's decision above).

5.0 Policy Context

5.1. Galway City Development Plan 2017-2023

This is the pertinent Plan, effective from January 2017.

Chapter 2 refers to Housing and Sustainable Neighbourhoods. This includes regard to the Core Strategy and the Housing Strategy. Regard is also had to social housing supply. Section 2.4 of the Plan refers to the Neighbourhood Concept as an essential element of urban sustainability in a compact city, Table 2.1 refers to Indicative Neighbourhood Areas in Galway. The site is located in the Western Outer Suburbs in

the Knocknacarra Area. Fig. 11.27 sets the framework of residential neighbourhoods in the city.

Policy 2.4 includes that the Neighbourhood Concept seeks to ensure sustainable residential neighbourhoods, which will provide for high quality, safe, accessible living environments which accommodates local community needs. Also to ensure that the design of residential development have regard to the DECLG *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying *Urban Design Manual - A Best Practice Guide and the Design Manual for Urban Roads and Streets* (2013).

Section 2.5 had regard to Neighbourhoods: Outer Suburbs. This includes: *New residential development will have regard to its surrounding context, provide for linkages with local facilities, a mix of house types and a layout that will provide for a high quality living environment. Infill development in the outer suburbs will have regard to the context of the area and will not adversely affect the character of an area. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces.* The Residential Densities Section refers to regard to acceptable building heights, avoidance of overlooking and overshadowing etc. Policy 2.5 includes reference to the need to: *Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.*

Section 2.9 refers specifically to Low Density Residential Areas (LDR) which have been zoned for residential development at a lower density than other lands zoned residential. *The prescribed residential densities in these areas are considered appropriate due to the established residential pattern, deficiency in service provision and significance of landscape. Such areas require specific development objectives.* Policy 2.9 refers and seeks to: *Protect the character of these areas by ensuring new development has regard to the prevailing pattern, form and density of these areas. Protect the characteristics of these areas through development standards and guidelines.*

Chapter 4 refers to Natural Heritage, Recreation and Amenity. Section 4.2.1 seeks to support and conserve a number of European designated sites and protected habitats. The designated European conservation areas in the city are as follows:

- Galway Bay Complex SAC (Site Code 000268)
- Lough Corrib Complex SAC (Site Code 000297)
- Inner Galway Bay SPA (Site Code 004031)
- Lough Corrib SPA (Site Code 004042).

Section 4.5.3 refers to Views of Special Amenity Value and Interest. Panoramic Protected Views include V5 which refers to views from the Knocknacarra road.

Chapter 11, Part A refers to the Land Use Zoning Policies and Objectives. Table 11.1 refers, this includes that zone LDR seeks: *To provide low-density residential development which will ensure the protection of existing residential amenity.* Section 11.2.8 refers and includes a specific objective relative to single storey housing on lands at Gentin Hill.

Part B includes the Development Standards. Section 11.3 refers to Residential Development. This includes: *Where residential development is permitted on lands other than residentially zoned lands, the neighbourhood policies as defined in Chapter 2, shall generally apply.* Section 11.3.1 provides the General Development Standards for the Outer Suburbs.

Table 11.5 provides the Parking Space requirement for different types of development.

Section 11.31 refers specifically to Appropriate Assessment.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party Appeal has been submitted on behalf of Vincent O'Connor by Planning Consultancy Services. This is in relation to the proposed imposition of condition nos. 2(i), 2(iii) and 2 (iv) of the Council's permission Reg.Ref.16/240, which they consider

to be onerous and not in accordance with the spirit of planning history relevant to this site and request that these conditions be removed.

6.1.2. Their grounds of appeal relative to Condition nos. 2(i), (iii) & (iv) include regard to the following:

- They provide a rationale relative to the need for the changes to design and layout proposed in the new application.
- They have regard to the locational context of the site, planning history and policy. They note that on review of the new development plan, it is evident that no policy change has taken place in relation to the subject lands.
- They provide that it has been established under the previous ABP assessment that no interference would occur to Protected Views and Prospects.
- The proposed density is below that for LDR zoned lands and is entirely consistent with the quantum of houses previously permitted by the Board.
- They consider that the 'single storey requirement' as set out in the SDO should be assessed in the context of both the planning history of the site and national planning policy, which encourages sustainable residential development along serviced zoned land.
- The single storey requirement was also in place at the time of the Board's decision on PL61.224664 in 2007.
- They considered that the Board's assessment then accepted that there would be no adverse impact on this Protected View.
- The proposed reductions in the overall heights will now mean that the 'Protected View' from Knockarra road, will be enhanced compared to that previously permitted on site.
- They have regard to the drawings and longitudinal sections submitted with the F.I and consider that a single storey house design could result in an adverse impact on the protected view, compared to the proposed development.
- In these circumstances they consider that there is no logical reason to impose Condition nos. 2(i), (iii) & (iv) in this case.

6.2. Planning Authority Response

There is no response from Galway City Council to the Grounds of Appeal or the Observation made.

6.3. Observations

6.3.1. An Observation has been received from local resident Bernadette Egan of Knocknacarra, Salthill. Her concerns include the following:

- The more cost effective build on this site would be single storey and not two storey as shown in the amended scheme.
- These houses need to be designed to ensure access for all which is not as shown in the amended scheme.
- The proposed design and layout does not encompass a sufficient use of space.
- The amended design and layout has an adverse impact on Panoramic View V5 of the GCCDP.
- Adequate levels are not shown on the drawings as required.
- Any development of this site will significantly change the protected view. However, a single storey development would fit in better into this stepped down site.
- Landscaping and green roofs should be used to assimilate the development into the site.
- They refer to their previous submissions made to this application.
- The two storey nature of this development directly contravenes the specific development objective relative to this site in the GCCDP.
- The large increase in habitable floor area in the amended development which is not in keeping with the 'Low Density Residential' zoning of the GCCDP.
- She requests the Board to determine this application as if it had been submitted to it in the first place, and to either refuse permission or to ensure

that any development on the site is of a high quality build and complies with the requirements of the GCCDP.

6.4. First Party Response

6.4.1. Planning Consultancy response to the Observation includes the following:

- They refer to the issues raised in the First Party Appeal and to the Planning History and consider that the visual concerns of the Observer should not be admissible at this stage.
- The cost effectiveness and design is not a fundamental planning consideration. The insistence on a single storey design would not be in accordance with the planning permission already granted on this site.
- The proposed design has been informed by market research and is highly responsive to market demands for this housing tenure at this prestigious location.
- The design of the permitted scheme (APB PL61.224644) did not provide for an efficient usage of space.
- The FI Response and the First Party Appeal have comprehensively demonstrated that the proposed development will not impact adversely on *Panoramic View 5* under the provisions of the CDP.
- The scheme now proposed will have a lower profile and lesser visual impact compared to that previously granted by ABP.
- Roadside vegetation currently obscures some of the views from the site (they include a photograph).
- A grant of permission for this low profile development which includes proposals to reduce the height of the roadside vegetation is the most effective way to achieve and reduce the height of the roadside vegetation.
- The proposed density equates to 6 houses to the hectare and is well within the recommended density threshold for the area.
- The proposed development would not be out of character with existing development in the area.

- It is responsive to the Housing Shortage in Galway City and is in accordance with the Ministerial Guidelines *Sustainable Residential Development in Urban Areas*.
- They trust that Condition nos. 2(i),(iii) & (iv) are omitted as requested in the First Party Appeal.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. Regard is had to the Galway City Council Development Plan 2017-2023. The City Land Use Zoning Map which shows the site within the 'Low Density Residential Zoning' adjacent to the Residential and the Recreational and Amenity zonings. Such lands are zoned LDR for a number of reasons including visual sensitivity, environmental sensitivity and in some cases deficit of services. The Map indicates there are Views and Prospects from the R336 to the north of the site i.e. looking seaward. The RA Greenway adjoins the north west of the site and also lies to the south of the site.
- 7.1.2. As noted in the History Section above permission has previously been granted by the Board in Ref.PL61.224664, limited by Condition no.2 of that permission for construction of 3 no. houses on the subject site. It is noted that the site still has the benefit of the extant permission (PL61.224664 & 12/219) which is not due to expire until January 2018. Therefore, the First Party provides that they could still proceed with that development.
- 7.1.3. They provide that the subject application was submitted as the amended design will be more cost effective to build and is more responsive to current market and living requirements. Also that it will facilitate a more efficient use of space and a more economic use of serviced lands zoned for residential purposes. They contend that the amended design and layout maximises the views available with no effect on views from the public realm.
- 7.1.4. The Observer is concerned that the amended design and layout of the proposed development will have an adverse and detrimental impact on 'Panoramic View V5', the two storey house design will increase habitable floor area and density and is

contrary to planning policy in the GCCDP for single storey housing in this Low Density Residential area. They request that the Board either refuse permission for the current proposal on this sensitive site or ensure that any proposed development meets the requirements of the current GCCDP.

- 7.1.5. Having regard to these issues including the planning history, it is considered that the principle of residential development is acceptable on this site, but that the impact of the height, design and layout of the proposed development on this sensitive site and in particular on views, and densities relevant to the GCCDP needs to be taken into account. These issues are discussed further in this assessment below.

7.2. Appeal against Conditions

- 7.2.1. Section 139 (c) of the Planning and Development Act 2000 (as amended) provides that where: *the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted.* Generally, this would relate to an appeal against conditions. Section 8.11 of the Development Management Guidelines 2007 provides: *The Board has complete discretion to give to the planning authority whatever directions it considers appropriate relating to the attachment, amendment of or removal from the grant of permission of the condition or conditions the subject of the appeal, or any other conditions.*
- 7.2.2. The First Party submit that in accordance with the provisions of Section 139 of the Planning and Development Act (2000) as amended, and to the nature of Conditions 2(i), (iii) and (iv) together with the Planning History of the site (PL61.224664 refers), that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted in this case. They consider that the principle of the development and its visual impact relative to the design issues has been previously established on this site. They request that these sections of Condition no.2 which they consider onerous, be removed by the Board.
- 7.2.3. However, in this case there is also an Observer, who is a local resident and has concerns relative to the proposed design and layout of the amended scheme and to the proposal being contrary to planning policy in the GCCDP. They request that the Board reject the First Party Appeal and determine the whole application again as if it

had been made to it in the first instance, under the current Planning and Development Act. Therefore, it is considered that in this case, it is appropriate for the Board to consider this application 'de novo'.

7.3. Design and Layout and differences to previous approved scheme

- 7.3.1. The current proposal is for three no. houses on this site, which is the number permitted, as per condition no. 2(1) of Ref.PL61.224664. These were originally shown on a similar site area, as a layout of 4no. houses in the documentation and drawings then submitted i.e with a floor area of c.200sq.m each. The overall height of these flat roof type dwellings (types A and B), was shown as 6.2m with a 'roof lantern over store' feature shown c.7.4m in height. The later feature which added height was omitted in condition no 2(2) of the Board's permission. The floor plans then showed the living accommodation on first floor level to include 3no. bedrooms, with a garden store, reception and garage area on upper ground floor level. A circular Lower Ground Floor element was also included. Sections and Contextual Elevations were submitted showing the lower FFL levels and set down of the proposed dwellings than the existing single storey bungalow to the east.
- 7.3.2. The current proposal is for a change of house design and increases the overall floor area of the now three houses proposed on this site i.e the total floor area is stated as 795.1sq.m. The houses are shown on more generous plot sizes on the total site area of 0.484ha. As shown on the Site Layout Plan originally submitted with this application, the floor area of each house has been increased from c.200sq.m (previously shown) to 283.5 sq.m for the house type on Site no.1 (i.e. 5 bed to include a master bedroom on ground floor level); 257.7sq.m on Site nos.2 and 3 (i.e 4 bed to include a master bedroom on ground floor level). Each dwelling is shown of contemporary design with a flat roof initially shown c.6m in height. However, it was noted that the finished floor levels were shown marginally higher than that shown on the plans originally permitted.
- 7.3.3. In view of the potential impact on views from the Knocknacarra Road, the Council, as part of their Further Information request invited the applicant to submit a revised proposal in which the height of the dwellings is reduced to a maximum of 5.8m and would not block out or impede views. They also asked for a revised longitudinal section of each site indicating the FFL and height of each dwelling and levels of

adjacent lands, public road and boundary walls. In response revised drawings have been submitted by the applicant showing the heights of the houses reduced to 5.8m. The applicants provide that this results in an overall reduction in the overall height previously approved of 0.472m, which they provide is notably lower. They note that the revised longitudinal sections also indicate a 'ghost profile' of a typical low-pitched roof single storey dwelling and consider that this serves to demonstrate the visual impact advantages of the proposed flat roof design. In view of the fall of the site away from the road and in an east west direction, the FFLs are shown in a stepped form, the highest being proximate to the raised bungalow to the east.

- 7.3.4. Some changes have also been made in the F.I submitted to the internal layout in that ground floor of the dwellings is not now shown to contain habitable accommodation, rather garage, store, utility/laundry area. This reduces the overall no. of bedrooms and is considered acceptable.

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. There is concern that the proposed development will impact adversely on the character and amenities of the area. Section 4.5.3 refers to Views of Special Amenity Value and Interest: *views within the city's landscape, which require special protection due to their distinctive scenic amenity, aesthetic or cultural value.* Panoramic Protected Views include V5 i.e: *Seascape views encompassing Lough Rusheen including section of Blakes Hill, sections of Knocknacarra Road, sections of Barna Road from Knocknacarra to city boundary and including the road to Silverstrand Beach.* Therefore, this is a relatively wide ranging view and not just specific to the subject site. It is the objective of the Council to assess proposed developments, which are located within the foreground, middle ground or background of a protected view, in the context of their scale, design and location.
- 7.4.2. From the Knocknacarra Road there are panoramic views southwards over Galway Bay, however the views from the subject site are sporadic and somewhat restricted by the screen vegetation. Views are more prevalent when there is a gap in the tree/shrub cover and there are some such views from the footpath which is on a higher level in front of the site. Better views are to be obtained from the opposite side of the Knocknacarra Road which is on again on a higher level. It is noted that the site falls down from the road, therefore this is beneficial, in that it allows the housing to

be sited at a lower level, with this and the proposed flat roof design reducing impact on panoramic views.

7.4.3. The Observer has raised concerns about density and height issues. Regard is also had in this case to Section 11.2.8 (GCCDP) which refers to Low Density Residential and includes a specific objective relative to: *Lands at the junction of Gentin Hill. Development on these lands shall not exceed a density of 13 houses per hectare and shall be restricted to single storey dwellings.* It is noted that the proposed development of 3 no. houses on a site of 0.484ha, represents a density of 6 per hectare which is below this threshold, but is more suited to such a sensitive site. Nevertheless, the concern remains that these houses are low profile two storey rather than single storey as per this policy. However, it must also be noted that the houses previously permitted on this site by the Board were similar low profile two storey. It is noted in both cases that a profile of a typical pitched roof bungalow is shown with the apex higher than that of the flat roofed contemporary house types proposed. The existing single storey house to the east has a considerably greater impact on views.

7.4.4. The impact of the retention of existing landscaping is important on this site. It currently provides screening along the road frontage and site boundaries. It is noted that the Landscape Plan submitted seeks to 'reduce and maintain the height of the existing vegetation and roadside wall'. Of particular note also, is the screening provided along the boundary with the adjoining two storey house to the west with frontage to Gentian Hill, which should be retained. Landscaping need to be established to provide screen planting along the eastern site boundary with the single storey dwelling. If the Board decides to permit, I would recommend that it be conditioned that the stone wall along the Knocknacarra Road be retained and that existing screen planting along the site boundaries be retained and augmented.

7.5. **Regard to Condition no.2**

7.5.1. While this appeal is being considered de-novo regard is had to the impact of the Council's Condition no.2, which is of primary concern to the First Party. This provided that revised drawings be submitted prior to the commencement of development for the written agreement of the Planning Authority to include the following:

- i. The floor to ceiling height of the ground floor levels for each of the dwellings shall be reduced to not exceed 2.2m.*
- ii The total height of each of the dwellings shall not exceed the FFL to roof height of 5.8m.*
- iii In addition, the garage walls shall be omitted.*
- iv The ground floor level shall be used for uses ancillary/non-habitable to the dwellings.*

7.5.2. As noted above the First Party appeal concerned condition nos. (i), (iii) and (iv). They note that as the revised plans submitted in response to the Further Information, indicated a FFL to roof height of 5.8m for each of the dwellings, they do not consider that an appeal of Condition no.2(ii) is required in this case. Therefore, they provide that the overall height of the houses proposed in November 2016, is acceptable to both the applicant and the Planning Authority.

7.5.3. Having regard to the height issue they provide details that the overall height of the proposed houses is lower than that permitted in PL61.224664. They contend that these conditions are unnecessary and will result in a valuable loss of floor space for future residents. It is noted that the Observer is concerned about the height issue and impact on views. The Planner's Report subsequent to the F.I submission noted that the permitted ground floor level was 2.2m in height and that it is currently proposed as 2.4m. It is noted that the applicant has submitted a street elevation/longitudinal section taken from the protected view and overlaid this with the previously permitted and proposed heights. The marginal difference in heights can be seen on the Contiguous Elevations submitted.

7.5.4. Having regard to the revised drawings submitted at F.I stage, and to my site visit, I would not consider that this proposal will have a significantly greater impact on views than that previously permitted by the Board in Ref.PL61.224664. However, I would consider that this proposal does make for 3 larger and more substantial, bulkier house types on this sensitive site. If the Board decides to permit I would not recommend the inclusion of the wording in condition no. 2, but would recommend that the floor area of the house on Site no.1 be reduced and that the house type be similar to the 3 beds proposed on Site nos. 2 and 3.

7.6. Access issues

- 7.6.1. Access to the site, is via the access road to the caravan park to the rear of the existing bungalow. There is an existing access to the shed and field gate to the site area in this location. It is proposed to demolish a shed to allow for the access route. The Inspector's Report in PL61.224664 noted concerns particularly relative to sightlines at the junction with the Knocknacarra Road. However, this is a relatively small development of 3no. houses, and having regard to the urban speed limits in the area, this was not seen to be a reason for refusal by the Board. The Site Layout Plan shows the access road in a similar location close to the southern site boundary, to that previously permitted. It has been narrowed relative to Condition 2(4) although the turning area is still shown located to the south. Relocating it to the north in the current scheme would reduce the plot size of the houses. However, in view of the proximity of the Galway Bay Complex SAC it is recommended that if the Board decide to permit that a similar Condition to 2(3) be included and the turning area be relocated to the northern side of the access road so that it is sited further away from the SAC. The area to the south of the site adjoining the SAC should be reserved as landscaped open space.

7.7. Drainage issues

- 7.7.1. A Drainage Report and drawings showing surface water and foul sewer layouts and connections have been submitted with the application. Details are given of the foul drain network. It is proposed to construct a new sewer line on site to accommodate the proposed 3no. houses. The surface water from the individual houses is proposed to be entered in to a rainwater harvesting system contained in each individual site boundaries. It is provided that there will also be a small soakaway constructed adjacent to these rainwater harvesting systems so as to help prevent overflowing due to abnormal weather conditions. The proposed surface water from the road network is to be collected on site via rainwater gullies designed to suit the roadway and details are given of this. It is proposed to connect to the existing water main that is located in the access road passing the site.
- 7.7.2. It is noted that the Council's Environmental or Drainage Sections and Irish Water do not object to the proposal subject to conditions. It is considered therefore in view of

the documentation submitted, that provided current standards and regulations are complied with relative to drainage, that it should not be an issue on the subject site.

7.8. Appropriate Assessment issues

- 7.8.1. An AA Screening Report has been submitted with the subject application. The site for the proposed development lies adjacent to the Galway Bay Complex SAC (Site Code: 00268) and also lies within 40m of the Inner Galway Bay SPA (Site Code: 04031). Regard is had to the qualifying features in Table 2.13 and the NPWS site synopsis are included in Appendix B of the Screening Report. It is provided that other Natura 2000 sites within a 15km buffer of the proposed development have been screened out due to a lack of connectivity and these are listed in Table 2.1 and Figure 2.2 of the Report.
- 7.8.2. The Screening Report provides that the proposed works will be entirely located outside the designated site and that there will be no impacts. Having regard to the NPWS mapping the southern boundary of the site appears to fall just bordering the aforementioned SAC. However, on site it is noted that the site comprises a distinct field area with boundary planting, so it does not appear that the site does in fact encroach on the SAC. In this respect the importance of complying with the Board's condition nos. 2(3) and 2(4) (PL61.224664) relative to access and the location of the turning area on the northern side of the access road has been noted. This southern area of the site should then be retained as landscaped open space, which will not impact on the existing situation relative to the SAC.
- 7.8.3. Details are also given relative to Soils, Geology and Hydrogeology. It is noted that the groundwater is classified as having High (H) vulnerability in this location. The water status of the Galway west groundwater body is classified as 'good and probably at risk'.
- 7.8.4. Regard is had to Habitats in the Existing Environment i.e. on the subject site. These are recolonised bare ground, scrub, treeline and buildings and artificial surfaces. A complete site layout map is included in Appendix A of this report. Details are given on the ecological significance of these. Regard is also had to Flora and Fauna and a Bat Survey is included. It is provided that several measures have been integrated into the proposal in order to promote the site for bats, these include relative to the

general absence of external lighting and provision of additional tree cover especially along the eastern boundary where there is currently no screen planting. It was noted that while birds listed as a conservation objective of the SPA were seen flying over the site, they were not observed on site. The Report considers that in view of the 40m separation distance to the SPA that no impacts are expected on the Natura 2000 sites in this regard.

- 7.8.5. Regard is had to the mitigation measures to be provided as referred to in the Clarke Construction Drainage Report. This includes that as this site is located adjacent to an SAC it is proposed to install a temporary infiltration drain in front of a compacted subsoil Bern so as to prevent any run off from surface water and silt on site during construction from entering the SAC. A drawing showing this has been included. Table 2.13 of the AA Screening Report also refers to mitigation measures to be carried out during construction and occupation phases. This provides that neither the construction, operation nor the eventual decommissioning of the proposed development is likely to result in direct, indirect or secondary impacts on the Natura 2000 site. The AA Screening Report concludes that it is not considered that the proposed development will have any significant impacts on the Inner Galway Bay SPA or the Galway Bay Complex Natura 2000 sites, alone or in combination with the other plans or projects in the area. Therefore, the Report concludes a 'Finding of No Significant Effects'.
- 7.8.6. In this respect it is also noted that the Board's decision in Ref. PL61.224664 (Reasons and Considerations) relative to this site, did not consider that the then (similar type residential proposal) would have any adverse impacts on the NHA/cSAC or pNHA. In view of all these issues it is considered that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1.1. Having regard to the submissions made, the documentation submitted and having viewed the application onsite, I would recommend that permission be granted subject to conditions for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the provisions of the current Galway City Development Plan in relation to the site, including the low density residential zoning, and to the scale of the proposed development and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, including the adjacent Natura 2000 sites, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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 on the 18th day of November 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed house type on Site no.1 shall be reduced in floor area and be for a three bedroomed house, similar to the layout shown on the revised plans submitted on the 18th of November 2016, for Site nos. 2 and 3.
 - (b) The total height of each of the dwellings shall not exceed a FFL to roof height of 5.8 metres.
 - (c) The turning area shall be relocated to the northern side of the access road.
 - (d) The access road shall be a maximum of 4.5m in width thereby increasing the landscaping area along the southern boundary of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and the protection of the Natural Heritage Area/ candidate Special Area of Conservation/proposed Special Protection Area.

- 3.(a) The dwellings shall be used as single dwelling units only.
- (b) Proposed car parking spaces provided for in the development shall be reserved for the exclusive use of residential occupiers of the development.

Reason: In the interest of residential amenity and orderly development.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended) shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission. No antennae or satellite dish or dishes, or other plant or equipment shall be erected on the roof of the dwellings without a prior grant of planning permission.

Reason: In the interest of the visual amenities of the area.

5. A schedule and appropriate samples of all materials to be used in the external treatment of the development, to include external finishes to the dwellings, driveways and car parking areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development.

6. The development and detailing of the internal and external boundary walls shall be restricted as follows:

- (a) The northern boundary stone wall abutting the Knocknacarra Road shall be retained and not be increased in height.
- (b) The dividing walls between sites shall be rendered and capped or as otherwise agreed in writing with the planning authority.

(c) The details of all other boundary finishes and heights shall be submitted to the planning authority for agreement prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. Prior to the commencement of development, details in relation to protection measures regarding the existing trees and the proximate Natura 2000 sites shall be submitted for the written agreement of the planning authority. An adequately scaled site layout plan clearly indicating the location of all protective measures together with details of the type of fencing shall be submitted to the planning authority for written agreement. No demolition, site preparation work or construction work shall commence on site until all such agreed protective measures have been implemented on site to the satisfaction of the planning authority.

Reason: In the interest of the amenities of the area.

8. (a) Prior to commencement of development, the developer shall appoint a suitably qualified Landscape Architect, the details of the proposed appointee shall be submitted to the planning authority for written agreement. Upon completion of the landscaping works a certificate of completion shall be submitted by the appointed person to the planning authority. The developer shall liaise with the planning authority with regard to the detailed implementation of the landscaping layout, particularly along the southern site boundary, and any amendments shall be furnished to the planning authority for written agreement.
- (b) All excavations where tree roots are present must be carried out by hand.
- (c) Specific regard shall be given to the area of landscaping along the northern boundary, and the height of any proposed bushes, trees and other planting along this boundary shall not exceed the height of the existing wall, and shall be maintained at that height.
- (d) Planting along the western boundary shall be retained and augmented and details shall be submitted of proposed planting along the eastern boundary.

Reason: In the interest of the amenities of the area.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, details of the surface water drainage arrangements including attenuation measures, having particular regard to the protection of the proximate Natural 2000 sites, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development and to ensure the protection of the Natura 2000 sites.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

11. There shall be no public lighting other than at the entrance to the site, as required by the planning authority. Details in this regard shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of ecology (including bats) traffic and public safety and orderly development.

12. The exact lines and configuration of the junction of the access road to the development with the public road shall be set out on site and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic and public safety.

13. Prior to commencement of development a Construction Management Plan shall be submitted to the planning authority for their written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, disposal of construction waste and a scheme for dust and dirt control.

Reason: In the interest of amenities and public safety.

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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

Angela Brereton
Planning Inspector

25th of April 2017