



An
Bord
Pleanála

Inspector's Report ABP-300032-17

Development	Demolition of existing shed & construction of residential & commercial development including childcare facility, car parking & ancillary works.
Location	Ballymoneen Road, Junction Western Distributor Road, Knocknacarra, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	17/30
Applicant(s)	Ardstone Homes.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tom Faherty.
Observer(s)	Helena Conway and Marie Killian Myra King

Date of Site Inspection

07th of February 2018

Inspector

Karen Hamilton

1.0 Site Location and Description

- 1.1. The site is a large Greenfield site (2.62ha) site comprising of a farmyard and derelict shed, to the west of the Ballymoneen Road at the junction with the Western Distributor Road, within the suburb of Knocknacarra, west of Galway City.
- 1.2. The site is bound to the south and west by existing residential estates and there is a bungalow with associated outbuildings located along the east of the site fronting onto the Ballymoneen Road, surrounded by but not included in the development area. The residential developments in the vicinity range from detached two storey dwellings to apartments and there are no neighbourhood facilities in the immediate vicinity. The existing boundaries of the site include a mix of small dry stone walls and mature vegetation.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - Demolition of an existing agricultural shed;
 - Construction of 88 no. residential units comprising of :
 - 27 no. three-bed semi-detached units,
 - 17 no. three-bed terraced units with the option to convert the attic space for habitable use,
 - 20 no. lower ground floor two bed apartment units,
 - 20 no. duplex three-bed townhouse units above,
 - 4 no. three- bed townhouses over commercial units,
 - Construction of 4 no ground floor retail units (284m²) with residential above,
 - Development of a childcare facility (380m²),
 - Provision of a shared communal and private open space, car parking site landscaping and public lighting, services and ancillary facilities, pedestrian

access from the Western Distributor Road, vehicular access from the Ballymoneen Road and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 37 no conditions of which the following are of note:

C 2- Submission of a detailed design to the terrace/ public open space in the front of the retail units.

C 3- Submission of a revised site layout plan including the repositioning of Site No 41-45, 1.5m to the north.

C 4- Duplex units in Blocks F and G, rear private amenity space shall be paved, bounding walls plastered and painted with reflective paint and submission of planting proposals along the railing section abutting the Western Distributor Road.

C 5- Submission of a car parking management plan for the crèche including no of space, hours of usage and signage.

C 6- Submission of proposals for 11 bicycle stands, each with 2 spaces.

C 7- Submission of a phasing plan linked to the provision of the communal open spaces.

C 8- Submission of correctly labelled elevations for Block H.

C 9- Submission of a revised boundary treatment plan

1. Provide a 1.2m wall and 0.8 railing where the gables face onto the public road or open space.
2. Omission of the structure located in the front garden of unit no 1.
3. Omission of the rail to be used as a divider to the front of the dwellings and replace with low hedging.

C 10- No extension or shed to the southern gable of Site No 13 in order to protect the sewer.

C 11- Removal of the exempted development for extensions sheds etc. within the curtilage of any of the dwellings.

C 12- Use of the attic area for storage only with no internal partition area.

C 13- Omit the exercise equipment in the eastern home zone and replace with more appropriate item of street furniture.

C 15- Naming of the estate for the agreement of the City Council.

C 16- Submission of the exact stone facing for the treatment of the dwellings and boundary to be agreed.

C 17- Submission of the agreement of car parking and cobble stone paving materials.

C 18- Submission of a piece of art work sponsored by the developer.

C 21- Full details of proposed home zones schemes shall be submitted for the agreement e.g. shared surface, landscaping, street furniture, signage etc.

C 22- In relation to the retail units the following is applicable:

- Revised elevation of the north of Block H to enliven the blank gable.
- Agreement of occupation for each unit.
- Agreement for all signage.
- Security shutter lattice type internal.
- No interconnection of the proposed shops
- No loading/ unloading along the Western Distributor Road or Ballymoneen Road.
- Submission of a detailed waste management plan.
- No advertising or promotional material.
- Restriction of noise from the units.

C 23- Submission of play area details.

C 36- Inclusion of a bond.

C 37- Part V agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning application was accompanied by the following:

- A Traffic Impact Assessment,
- An Appropriate Assessment Screening,
- A Road Safety Audit,
- A Report on Surface Water & Foul Water Discharge and Watermain Details.

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

1. Submission of legal rights to allow the pedestrian and vehicular access through the adjoining Leargan estate. The response included the legal rights and removed the proposed access through Leargan with only one vehicular access along Ballymooneen Road proposed.
2. Legal agreement submitted for lands to the west abutting Leargan, within the rear gardens on the site.
3. Compliance with the specific development objective for these lands within the development plan to include revised design, repositioning of the building and inclusion of four retail units. In addition the retail element was reduced from 628m² to 409m² with a reduction in the height of the block at the corner to 12.40m.
4. A redesign of the private garden spaces for the apartment/duplexes to allow integration, alteration of the building line of the block along the north to be in keeping with the existing building line of the residential estate at Leargan to the west, revised elevation proposals in line with national guidance and reduction in front boundary walls from 1.8m to 1.2m.
5. In relation to the layout the site of No 13 was extended, No 1-48 renumbered and confirmation on the use of paving blocks and porous joints

6. Submission of a plan relating to the boundary treatment.
7. Redesign of the open space to account for 14.50% of the overall site area, including smaller pockets throughout the development.
8. Amendment to the size of units 1 and 2 and confirmation that the attics would not be used for habitable use.
9. Revised proposal for the duplex units to comply with the minimum open space provision.
10. Repositioning of Units No 41-44 to prevent overlooking.
11. Revised design of units to allow a minimum of 1.5m between the side gables of the detached and semi-detached units
12. Submission of a revised TIA. In relation to car parking, the proposal requires 235 spaces and there are 176 provided (75%) and it was accepted that the dual use in relation to the crèche and retail and location along the Quality Bus Corridor would allow the shortfall of 26 spaces within the development.
13. 70 bicycle stands are provided although it is stated that 11 stands each comprising 5 spaces area required.

The report of the area planner referred to amendments submitted and the quality of the overall scheme.

3.2.2. Other Technical Reports

Drainage Section – No objection subject to conditions.

Transportation Section- No objection subject to conditions.

Recreation and Amenity Department- No objection subject to conditions.

Chief Fire Officer- No objection subject to the application of a Fire Safety Certificate.

3.3. Prescribed Bodies

Irish Water- No objection to proposal.

3.4. Third Party Observations

4 no submissions were received and the issues raised are summarised below:

- The proposal will have a negative impact on the residential amenity.
- The proposal will have a negative impact on the traffic along Ballynoneen Road.
- The sight distances at Leargan estate cannot be achieved without removing the landscaping and there will be a rat run through the estates from the Western Distributor Road and Ballymoonen Road.
- There is no legal right of access though the adjoining residential estate, Leargan, submitted.
- The use of the Leargan access for construction traffic will have a negative impact on the residents of this estate, particularly those within the independent living and the crèche,
- The views across Galway Bay and Clare Hills will be removed.
- Overdevelopment will have a negative impact on drainage in the area.

A further two submissions were submitted on the further information as summarised below:

- The proposed access onto Ballymoonen Road is very narrow with poor visibility and there is no footpath to Blake Roundabout.
- The TIA was undertaken during the summer when the schools were off.
- The proposal will have a negative impact on the residential amenity.

4.0 Planning History

PL.61.245218 (Reg Ref 14/317)

Permission refused for a licensed discount food store (1,894m²) for a small portion of the site at the northern corner of the site, adjacent to the Blake roundabout for two reasons. The first reason stated the proposal would militate against the successful provision of a neighbourhood centre at lands to the south of the proposed site and fail to provide for a visual connection and the second reason for refusal referred to

the quantum of retail facility proposed in the context of the zoning and neighbourhood centre designation to the south.

PL61.243237 (Reg Ref 12/268)

Permission to refuse permission for a licensed discount food store for a small portion on the northern corner of the site at Blake roundabout. The reason for refusal was based on the sole retail use on the site at a location adjacent to a designated neighbourhood centre would militate against the orderly development of the centre. It was noted by the Board the overuse of paving and inadequate landscape did not provide an attractive environment for pedestrians or cyclists.

Adjoining Residential Estate, Leargan.

Reg Ref 06/950

Alterations to previously granted permission in 05/113 to comply with the Part V requirements. Permission granted for (a) 10 no. 3 storey terraced houses, (b) a 3 storey Block Y comprising 12 no. 2 bed apartments with terraces/balconies, (c) a 2 storey sheltered housing building block Z comprising 1 No. 1-bed apartment, 1 No. 2-bed apartment, and 9 no. individual bedrooms with associated communal rooms and associated facilities to include first floor terraces, all associated site development works and surface car parking.

Reg Ref 05/113

Permission granted for 159 dwellings in the following mix: 130 No terraced 2 & 3 storey houses comprising 50 no 4 bed, 56 no 3 bed and 24 no 2 bed houses; 3 no dwellings in a 2 storey duplex block comprising 1 o 6 bed ground floor unit and 2 no 2 bed apartments over with balconies. 26 no apartments in a 3 storey over basement car park apartment building, comprising 18 no 2 bedroom and 8 no 1 bedroom apartments with balconies; a 2 storey childcare facility (147.5 sq.m); all of the above is proposed with associated site development works and surface car parking. The development is situated on a 9.2 acre site located at Ballymoneen West with access from the Western Distributor Road.

5.0 Policy Context

5.1. National Guidance

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009). Urban Design Manual, A Best Practice (DOEHLG, 2009).

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2015).

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013) DMURS.

Guidelines for Planning Authorities, Retail Planning. (2012)

5.2. Galway City Development Plan 2017-2023

The site is located within the residential zoning (R) where it is an objective 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”*

- Permissible uses within the site include local shops, local offices, license premises, banks & other local services.
- The site is an identified **local centre** on the development plan map where it is and aim to facilitate local convenience shopping and services at Ballymoneen.

Section 11.2.8 Specific land use objective

- R zoned lands located at the junction of the Western Distributor Road, Ballymoneen Road and Blake Roundabout,
- defined in Planning Reference Number 14/317 and comprising approximately 0.82 hectares,
- shall accommodate convenience goods retailing and local services of a public/community nature,
- uses shall be of a scale that is equivalent to approximately 20% of the development of the overall site and will be so designed as to form an integrated element in the design and layout of the overall development.”

Section 2.2 Housing Strategy

- ensure a mix of house types and sizes including the special requirements of elderly persons and persons with disabilities.

Section 2.4: Neighbourhood concept

- Knocknacarra is an indicative neighbourhood area of Galway.
- Sustainable high quality neighbourhoods can support residential areas.

Section 8.7: Urban Design

- Ensure high quality urban design in all developments.
- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the Galway Shopfront and Signage Design Guidelines (2012) and Design Guidelines: Canopies (2011)

Section 9.8 Sustainable Urban Drainage Systems (SUDS)

- Policy 9.8 SUDS- Ensure the uses where practical to enable surface water to be managed.

Section 11.3.1: Outer Suburbs

- Non-residential development at appropriate locations which serve local needs shall not normally exceed 1:1, on distributor roads with good quality urban design a higher plot ratio may be considered.
- The design of the roads shall have regard to Design Manual for Urban Roads and Streets (DMURS) (DTTS and DECLG 2013) and Manual for Streets (DOT UK, 2007).

Residential

- Overlooking - No overlooking on private open space, min 11m above ground floor and over 2 storeys may require greater than 11m.
- Distance between dwellings - minimum of 1.2m between side gables and side boundaries.

- Open Space - Where commercial development on residential lands are on the site 15% shall normally be provided as open space and homezone/ shared space areas etc. shall be accepted. Table 11.2 indicative examples of recreational facilities for residential developments. No of res units- 51-100: Skateboard Facility, bowling green, Basketball Court.

Section 11.10: Transportation

Parking Requirement:

- Residential: 2 on site per dwelling and 1 per 3 dwellings for visitors.
- Supermarket and shop: 1 space per 15m²
- Crèche: 1 per 20m² of operational space.
- Grouped and dual use will be considered where peak demands do not coincide and cognisance given for multipurpose trips.

Section 11.13 Childcare Facilities

- Adequate drop off/ set down points
- Provision of outdoor play area 55% of the gross floor area of the childcare facility although may be reduced if the proposal would represent sustainable development.

5.3. Natural Heritage Designations

The site is located 700m north of Galway Bay Complex SAC (000268) and 800m north of Inner Galway Bay SPA (004031).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal is submitted from a resident close to the site and the issues raised are summarised below:

- There is concern over the impact of the proposed development on the foundations of adjoining property.

- Impact of on the residential amenity including overshadowing, overlooking and noise, dust and lighting.
- The design, density, scale and character of the proposed development does not comply with the development plan requirements.
- The proposal will cause serious traffic issues on an already congested road.
- The development is premature in the absence of an overall Traffic Management Plan.
- The proposal will devalue property in the vicinity.
- There is a likelihood of flooding in the vicinity.
- Important issues have been left for further discussions with the Planning Authority which lacks full transparency and clarity.

6.2. Applicant Response

A response has been received from an agent on behalf of the applicant and the issues raised are summarised below:

- There will be no effect from the construction on the foundations of any properties in the vicinity and there are conditions restricting the hours of construction.
- The applicant has considered the BRE report on daylight and sunlight. Shadow analysis drawings are included in the submission. The appellant's property does not fall under any worse shadow because of the proposed development.
- In general a minimum separation distance of 11m is maintained from walls containing windows to neighbouring properties. Overlooking has been minimised by the use of opaque windows and planting along the boundaries.
- The Design statement which accompanied the proposed development, where the duplexes address the road and the remainder are semi-detached and terrace dwellings.

- The proposed development has a plot ratio of 0.38:1 (total gross floor area 10,116m²/ total site area 26,186m²) which is below the maximum (0.46:1) and 34 dwellings to the hectare with additional 770m² of commercial.
- A revised Traffic Impact Assessment was submitted to accompany the further information including a single entrance along the Ballymoneen Road which concluded that all junctions could operate at capacity up to the year 2034.
- The surrounding area is characterised by residential estates and it is argued that the provision of amenities, creating a new neighbourhood, will make the area more attractive and therefore will not devalue the appellant's property.
- The site is not included as a flood risk area in the OPW Flood Maps and there are no streams or watercourses on the site. The surface water from the hard surfacing will be collected and discharged and there are no objections from the drainage section of the Council.
- The appellant notes there are many issues left to be concluded following the grant of permission. The applicant is aware of these conditions and must comply with them or it would be an offence.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

Two observations were received, from a local resident and a joint observation from residents in the adjoining residential estate and the issues raised may be summarised below:

- Copies are included of the previous submissions to the planning authority which relate to the impact of the traffic from the Ballymoneen Road, the use of the traffic survey in July and the impact of the development on the residential amenity of adjoining residents, substandard entrance and lack of footpath.
- Concern is raised over the impact from the noise levels and lighting.
- The height of the buildings along the north and impact on visual amenity.

6.5. Further Responses

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Development Plan Compliance
- Impact on Visual Amenity
- Impact on Residential Amenity
- Traffic and Access
- Other
- Appropriate Assessment

Principle of development

7.2. The proposed development is for a mixed use scheme located in the outer suburbs of Galway City on lands zoned for residential which includes a specific requirement for the provision of a “Local Centre”. Section 6.3 of the development plan refers to the uses within local centres as primarily convenience goods retailing with some local services to allow for “top up shopping” for the immediate catchment. A site specific objective in the development plan for the lands along the north of the site (0.82 ha as per Reg Ref 14/317) refers to the provision of convenience goods retailing and local services of a public/community nature, which shall form approximately 20% of the overall development of the site and integrate into the design and layout of the entire site.

7.3. Planning Reg 14/317 included a refusal of permission for a discount food store based on the failure to support and provide visual connections for those remaining lands to the south and the quantum of retail facility proposed in the context of the neighbourhood designation to the south. This proposed development was amended following a request for further information for compliance with the site specific zoning for 20 % retail/ public facility and the applicant states that the floor space was based

on the maximum quantum of building which would have been permitted under 14/317 at 3,399m², therefore a submitted proposal for 771.1m² (gross floor area) was split between retail floor space (409.6m²) and a childcare facility (362.1m²). I note the requirement for 20% of the overall site area is 0.16 ha or 1,600m², the primary zoning as residential and the location of the site between the Western Distributor Road (WDR) and the Ballymoneen Road, a Quality Transport Corridor, where a high density of housing is supported, and I consider c. 770m² of retail/ commercial is sufficient to support the provision of local services whilst also allowing of the provision of a range and mix of dwellings on the site.

- 7.4. Therefore, based on the zoning objectives, I have no objection to the principle of the use on the site for a mixed use development, subject to complying with development policies and other planning requirements as addressed in the following sections.

Development Plan Compliance

- 7.5. The proposed development includes 4 no. retail units (409.6m²), a childcare facility (362.1m²) and 88 no. residential units comprising of 27 no. 3 bed semi-detached, 17 no 3 bed terraced, 4 no 3 bed town houses, 20 no 2 bed grounds floor apartments and 20 no 3 bed duplexes over. The development plan requirements in relation to each element of the proposal is detailed below.

- 7.6. Local Centre: As stated above, four retail units and a crèche have been provided to comply with a site specific zoning objective requiring the provision of convenience retail goods and public/ community facilities. The four retail units are located to the north east of the site and face directly onto the north of Ballymoneen Road at Blake Roundabout and set c.1m below and c. 20m from the side of the proposed footpath which runs along the edge of the site. The development plan requires the use of local convenience retailing at this location and the national guidance "*Guidelines for Planning Authorities, Retail Planning*" defines the use of shops in local centres as being local in nature. Condition No 22 b requires the developer to inform the planning authority as to the activity of each unit for written agreement, which I consider reasonable and should be expanded to relate to the convenience retailing/ local facilities.

- 7.7. Childcare facility: A single storey contemporary style crèche (361m²) has been provided on the north east of the site, adjoining the main area of open space and to

the rear of the duplex units and commercial units. Section 11.13 of the development plan provides guidance for childcare facilities where they should be appropriately integrated, include a set down/ drop off point and include 55% of the floor space of the facility as designated outdoor play area (c. 190m²) or other which represents sustainable development. The overall design integrates with the proposed development, 4 no car parking spaces have been designated for the crèche drop-off area and 66m² of outdoor play area along the west of the site. Whilst the outdoor play area is less than development plan standards the location of the building adjoining the main open space should be considered and in the interest of sustainable development I consider it reasonable to require the provision of a children's play area (minimum c. 190m²) directly adjacent to the west of the crèche as part of the overall development. This could be conditioned.

- 7.8. Density: The development plan does not specifically include a requirement for density and refers to plot ratio density as a means of guiding the amount of residential units and the "*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015*" to provide guidance on the appropriate development. These guidelines require an increase in density on sites which are located along public transport routes, a minimum of 50 dwellings per hectare are required and for those lands on "Outer Suburban/ Greenfield Sites a net density of 35-50 should be encouraged with under 30 units discouraged on sites over 0.5ha. The proposed development provides 33 units per ha and whilst lower than the recommended density it must be acknowledged that that retail units and childcare facility where required to meet the specific zoning objective on this site, therefore I consider the density acceptable.
- 7.9. Plot ratio: Section 11.3.1 of the development plan refers to plot ratio of 0.46: 1 for new residential and 1:1 for mixed use developments on residential zoned lands, the plot ratio for the development is 0.51: 1 and includes both the residential, retail units and crèche, and therefore I consider it complies with the development plan.
- 7.10. Car parking: Table 11.3 of the development plan sets out car parking requirements as follows:

Shop: 1 per 15m² (GFA), 409m² = 27 spaces required.

Crèche: 1 per 20m² operational space, 191m² operational space= 10 spaces.

Residential: 2 on site spaces (1.5 apartments) and 1 for visitor per 3 dwellings.

176 shared car parking spaces have been provided on the site. A revised TIA, submitted as part of further information provides a breakdown of the parking requirement (Appendix H) and refers to 59 shortfall in spaces which I have assessed. The applicant argues that based on the dual use of some spaces being residential and crèche, the proximity to a Quality Bus Corridor and the use of the crèche by surrounding residents, the shortfall in spaces can be accommodated on site, which I consider reasonable.

- 7.11. Cycle Parking: The development plan promotes enhanced cycle facilities and cycle ways throughout the entire plan and Section 11.3.1 (h) includes a minimum of one cycle standard per 20 car parking spaces. The landscaping plans included with the proposal illustrates a number of cycle stands scattered throughout the development and I note the Road Safety Audit, detailed below. Condition No 6 requires the submission of a revised site layout plan providing 11 bicycle standards, each accommodating 5 spaces, which I consider reasonable to comply with the standards.
- 7.12. Communal Open Space: 4,631.8m² (17.68% of the overall site area) of communal open space has been provided where 3,054m² (65%) is made up of a central greenspace and soft landscaping, 624m² (13.48%) is split between 2 home zone areas (shared paving) in front of units 21-25 and Units 32-36 and the remainder 952m² in the form of public realm space (access stairs from the WDR and in front of the retail units). Section 11.3.1 of the development plan requires the provision of 15% of gross site (3,950m²) for communal recreation and amenity space for a mixed use development. I do not consider the use of the pedestrian access from the WDR may be considered as useful amenity space although the area to the front of the retail unit (489m²) and 2 home zones are useful and functional and should be considered as open space and a condition to develop and retain for that purpose should be included. Table 11.2 of the development plan states that proposal with between 51-100 dwellings should include a recreational facility such as basketball court etc. The proposed includes 2 kick about pitches and small basketball area and some exercise equipment. The report of the Parks Department refers to the acceptance of the scheme and requests that the final design and long-term management of the open space areas is agreement with the Council. Condition No

23 required the submission of a phased delivery of the open space, professionally prepared plan for the play area, submission of the play area and landscaping scheme and Condition No 13 required the removal of the exercise equipment in the eastern home zone both of which I consider reasonable. In addition to the above and in conjunction with my assessment of the childcare facility, below, the location, size and design of a formal children's play area should be included in the design of the open space.

- 7.13. Private Open Space: Section 11.3.1 (c) of the development plan states that the amount of private open space shall be provided is 50 % of the floor space of the dwellings, in certain circumstances this requirement shall be reduced in lieu of more communal open space, apartments are required to comply with the national guidelines. In order to meet the 50% requirement the applicant confirms, as part of the further information that the attic space shall not be habitable, which I have addressed below in relation to urban design. The report of the area planner refers to compliance with the private open space requirements aside from unit's No. 41-43 and recommends the repositioning of these dwellings 1.5m north to generate additional open space, which I consider reasonable. In relation to the apartments, 7m² of private amenity space is required for the two bedroom, which has been provided along the north, this should be retained and landscaped.

Impact of the Visual Amenity

- 7.14. The proposed development is within the Outer Suburbs on a Greenfield site fronting on the WDR and Ballymoneen Road at an important junction leading from the west into Galway City. The 20 no. duplex and apartment units to the north, front the WDR and the retail units are in a prominent location on the most northern eastern corner onto the Blake roundabout. The grounds of appeal refers to the impact of the character on the surrounding area. Section 8.7 of the development plan includes guidance on appropriate urban design which is to be of a high standard and requires compliance with the national guidance on urban design '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

The proposed development is assessed against these criteria in greater detail below for both the commercial and residential.

- 7.15. Layout: A Design Statement was submitted with the initial application which detailed the different scenarios for development of the site and rationale for the final design, in particular the treatment of the site to the main interfaces. As stated above the three storey duplex units face onto the main WDR, these are split level, set below the road with stepped access through a grassed verge and footpath along the front gardens c. 5m from the edge, with only pedestrian access and the building line is in keeping with the dwellings in the adjoining residential estate Leargan and provides an attractive frontage onto the road. The remaining residential development takes cognisance of the existing bungalow along the Ballymoonen Road, the location of the crèche and commercial units and I consider a successful scheme has been achieved which will provide a versatile environment for the residents. Section 2.5 of the development plan requires the provision of home zones within residential developments. Two home zone areas are provided as part of the communal open space and use tactile paving. Condition No 21 requires full details of the proposed home zone to be submitted including shared surfaces, signage, street furniture, entrances etc., which I consider reasonable.
- 7.16. Mix: The development plan requires the provision of a mix of house types. The proposed development includes 20 no. 2 bed apartments and whilst the remainder are three bed dwellings they are made up of duplex, townhouses, terrace and semidetached which I consider reasonable. Following the submission of further information the applicant confirmed there would be no habitable space within any attics and Condition No 12 required the attic space for storage only. The Urban Design Manual refers to the design of dwellings for lifetime adaptability to allow residents to remain in neighbourhoods and I consider as a minimum the semi-detached dwelling should be designed to allow for the conversion of attic for habitable space, therefore I do not consider it necessary to restrict the future conversion of this space.
- 7.17. Connectivity: In terms of connectivity a pedestrian access is provided from the WDR and the Ballymoneen Road beside the retail units, no pedestrian or cycle access is provided into the adjoining Leargan Estate and this should be a condition on any grant of permission to ensure maximum connectivity to the surrounding areas.

- 7.18. Boundary Treatments: The design manual refers to the treatment of open space and boundary treatment for privacy and good public realm. The report of the area planner includes a full analysis of the boundary treatment within the development and condition No 4 requires amended to the treatment of the boundaries to the rear of the duplex units and Condition No 9 includes recommendations for a revised boundary treatment plan , both of which I consider reasonable.
- 7.19. Retail Units: The Urban Design Manual requires the neighbourhood facilities to be legible, provide a detective sense of place and allow for connectivity. The retail units front onto the junction at a level lower than the road and may be accessed directly from a main footpath which allows connection to the surrounding area. Pedestrian access from the residential area to the rear of these units is provided and parking is integrated into the overall scheme of the site, which I consider reasonable. The shop front is separated from the new footpath adjoining the roundabout by c. 10m and Condition No 2 requires the submission of details on the treatment of this public space which I consider may be included within the landscaping scheme and is reasonable to ensure a high quality public space which would encourage visitors to the units. Condition No 22 requires the submission of a revised design for the northern elevation for the retail/ residential block (Block H) although I not this includes a features window on the first floor and a variety of design and material and I consider it acceptable.
- 7.20. The shop front design includes large expanses of glazing, surrounded with new traditional style painted hardwood, no details of the signage have been submitted. The *Galway Shopfront and Signage Design Guidelines* provides guidance for the external appearance of shop fronts and the provision of signage which should be of a high standards, lettering should be simple and legible with no projecting signs and internal security shutters. Condition No 22 c requires the submission of details for the written agreement of the planning authority and Condition No 22 d restricts security shutters to internal lattice see-through type, both are considered reasonable to comply with the shop front guidance.

Impact on Residential Amenity

- 7.21. The proposed development is located c. 6m to the west of the existing bungalow along Ballymoneen Road, c. 5m north of an existing two storey semi-detached

dwelling within the residential estate to the south, Monalee Manor and c. 15m to the east from an apartment development within Leargan. The grounds of appeal and an observer have raised concern over the impact of the proposed development of their residential amenity in particular, the overshadowing, overlooking and the impact from noise, dust and lighting.

- 7.22. Overshadowing: A shadow projection analysis was included in the applicant's response to the grounds of appeal to illustrate the impact of the proposed development on the appellants dwelling during Spring and Autumn Equinoxes. I note the location and height of the dwellings around the appellant's site and I consider Units 1 & 2 to the south of the appellant's dwelling at the entrance of the site would be the only proposed dwellings with a potential to cause any significant impact which may have a slight overshadowing on the car parking area to the front of the dwelling although I do not consider it would have a significant impact on any residential amenity. Based on the orientation and layout of the proposal I do not consider there is any possibility for overshadowing on any other existing dwellings in the vicinity of the site.
- 7.23. Overlooking: Two semi-detached 2 storey dwellings (Block k) are located to the front of the appellants dwelling, at the entrance of site along Ballymoneen Road. The first floor of the northern elevation, at the rear, includes two windows for an en-suite and bathroom. Block B is located 10m from the side of the appellants dwelling and includes a first floor bedroom window although does not directly face into the appellants property. Therefore, I do not consider there would be any overlooking onto this property.
- 7.24. Noise, dust and lighting: The subject site is located within the urban area of Galway City on lands zoned for residential and considering the national and local guidance I consider there would be a level of construction on the site. Condition No 24 restricts the hours of and removal of waste during construction. Having regard to the location beside residential communities and access onto a main road I consider the inclusion of a condition requiring the submission of a Construction Management Plan reasonable.

Traffic and Access

- 7.25. The proposed development includes a vehicular access from Ballymoneen Road for the entire development following a request for further information on legal ownership of a second access to the northwest through the adjoining Leargan estate. The submission from an observer raised concern over the use of the access along the Ballymoneen Road and states that the survey undertaken in July is not representative as it does not include the school traffic.
- 7.26. The proposal is accompanied by Traffic and Transport Assessment and a Road Safety Audit. The transport assessment analysed the Ratio of Flow to Capacity (RFC) of both the existing roundabout and the proposed entrance. In relation to the existing roundabout between the Ballymoneen Road and the WDR, the capacity tests suggest that it will operate to capacity up to the year 2034 without the development and following the inclusion of trip generation, which includes for a seasonal adjustment of +2.6%, it was concluded that with an additional maximum RFC increase of 85% at the junction from the proposal, the junction could still operate to capacity.
- 7.27. The amended design and Traffic and Transport Assessment was accompanied by an independent Road Safety Audit submitted which reported the following:
- Sightlines: The proposed 2.4m x 49m is considered applicable for a 50km/hr design speed although the Audit team noted vehicles travelling faster than 50km/hr during sight inspection and recommended a visibility space in accordance with the 85th %ile with proposed landscaping and boundaries behind the splays.
 - Footpath: The applicant does not have full control of the lands along the east of the site adjacent to the Ballymoneen Road. The Road Safety Audit raised concern on the non-continuous footway linkage, in particular the impact on pedestrians travelling north from Ballymoneen Road and south from Blakes Roundabout (past the appellant's site). In the absence of a continuous footway it is recommended a suitable anti pedestrian surface beyond the pedestrian crossing points will encourage to cross at desired location and clarify the proposed footway in the vicinity of the Back Roundabout.
 - Surface Water management at the site access and dropped pedestrian crossing are unclear and suitable drainage should be proposed.

- Public lighting has not been included at the priority junction.
- Gradients- There are some step road gradients within the site on both roads and footways and it is recommended that gradients, are removed approaching junctions or tight bends and where the gradients cannot be amended additional access ramps from the public road area and suitable skid resistance should be included.
- The main pedestrian access from the WDR does not include access for wheelchair/ push chair users and it is recommended that a ramp gradient be included and the use of “Guidance on the use of Tactile Paving Surface Surfaces” to assist the visual impaired pedestrians. The sites at this location require public lighting.
- There is a lack of tactical surfaces and dropped kerbs, important for vision impair pedestrians and internal footways shall provide a continuous link around the site.
- There is no internal road signs and markings which should be in accordance with the Traffic Signs Manual 2010.
- There is no site layout drawings for cycle parking.

Appendix C of the Audit included an agreement from the applicant to undertake the recommendations and was noted in the TIA. The report from the Roads Department did not raise any concerns in relation to the proposal although requested that a condition to include dropped kerbs at footpaths at junctions and crossing points is included.

7.28. Section 2.5 of the development plan provides guidance for neighbourhoods in the outer suburbs and refers to the design standards in the national (DMURS). Chapter 4 of DMURS refers to the minimal use of signage as only where mandatory in the TSM Manual, the use of street furniture and cycle racks etc. at appropriate locations, public light with the appropriate use of materials including both shared surfaces for home zone principles and tactile paving for those with visual impairment. Section 2.5 of the development plan refers to the use of shared surfaces as traffic calming measures and Condition No 21 requires the proposal development to comply with the home zone principles.

7.29. Having regard to DMURS, the guidance in the development plan and the information contained in the TIA, I consider the use of the access onto Ballymoneen Road and the internal layout acceptable. Based on the need to promote the home zones concept within the overall development I consider the recommendations contained within the Road Safety Audit can be integrated into the overall design in association with the homezones.

Other

7.30. Apartment Size: The development plan refers to the national guidelines "*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*" for the minimum room standards. The apartments comply with the minimum floor space requirements aside from the aggregate bedroom floor area where one double bedroom is less than 2m², although it is of note that the aggregate living area is exceeded by 10m² and a bathroom is provided for both bedrooms, therefore I consider the size of the apartments acceptable.

7.31. Water and Waste Water: The proposal includes for connection to the existing public water system and storage of attenuation on site before discharge to the existing network at a controlled rate. Grit trap gullies are proposed from roads and car parking areas and porous parking blocks are proposed for the car parking bays. Policy 9.8 of the development plan requires the use of SUDS for the treatment of surface water wherever practical in the design and Condition No 30 requires the submission of a suitably designed soakaway for agreement or appropriate SUDS measure for the written agreement, which I consider reasonable.

7.32. Part V: A letter from Cluid Housing accompanied the planning application and states that they have discussed partnering with the applicant to fulfil the Part V obligation for the scheme. Condition No 37 requires the submission of a Part V agreement prior to the submission of a commencement notice and in the absence of a definitive agreement for the provision of a social and affordable scheme I consider this reasonable.

Appropriate Assessment

7.33. The site is located 700m north of Galway Bay Complex SAC (000268) and 800m north of Inner Galway Bay SPA (004031). The proposal includes connection to the public water and waste water system. An Appropriate Assessment Screening was

submitted with the application which states that as part of the project a new surface water drainage system is to be installed and will incorporate attenuation and pollution control measures and include two attenuation/ holding tanks with a combined volume of 587m². The screening assessment reports no habitats listed under Annex 1 of the Habitats Directive and states the small stream which runs through the site is likely to be culvert.

- 7.34. The report of the Parks Superintendent has no objection to the proposal subject to the management strategies to avoid harmful chemicals entering the soils or ground water. Condition No 30 requires the surface water to discharge to a soakaway or alternatively the use of SUDS measures, which I consider reasonable and a construction management plan should be included in any grant of permission to ensure the appropriate treatment of any waste during operation and prevent contamination of the ground or surface waters. Therefore, having regard to the nature and scale of the proposed development and the provision of services for the site and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the:

1. national guidelines for Sustainable Residential Development in Urban Area and the accompanying Design Manual, the Design Manual for Urban Roads and Streets and the Design Standards for New Apartments,
2. the residential zoning (R) of the site, the site specific zoning for the provision of a local centre and the policies and objectives of the Galway City Development Plan 2017-2023, and

3. the pattern of development in the area.

It is considered that subject to compliance with the conditions as set out below the proposed development would not seriously injure the amenities of the area, or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development 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 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. Prior to commencement of development, a revised site layout plan shall be submitted to the Planning Authority for a written agreement on the following:
 - a) Reposition No 41-43 4.5m north and inclusion of additional space for private amenity.

Reason: In the interest of residential and visual amenity.

3. Prior to commencement of development, the following information and/ or required amendments in relation to the childcare facility submitted to the Planning Authority for a written agreement on the following:
 - a) Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the

developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

- b) The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Saturday inclusive except public holidays, and shall not operate on Sundays or public holidays or following written agreement with the planning authority.
- c) A secure outdoor play area shall be provided for the use of children attending the childcare facility and pedestrian connectivity to the west of the facility shall be made with communal play area.
- d) The set down/ drop off spaces to the front entrance of the childcare facility shall be clearly delineated and retained in perpetuity.
- e) Submission of a car parking management plan including the number of spaces, hours of usage and signage.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity and of the proper planning and sustainable development of the area.

- 4. Prior to commencement of development, the following information and/ or required amendments in relation to the retail units, and where applicable the childcare facility, shall be submitted to the Planning Authority for a written agreement on the following:

- a) The occupation of the retail units shall be submitted to and agreed with the planning authority and shall be restricted to convenience retailing and local facilities,
- b) Details of the proposed design and materials for the external shop fronts,
- c) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
- d) Lighting shall be by means of concealed neon tubing or by rear

illumination,

- e) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
- f) External roller shutter shall not be erected any internal shutter shall be only of the perforated type, coloured to match the shop front colour,
- g) No adhesive material shall be affixed to the windows or the shop front,
- h) The retail units shall not be amalgamated,
- i) Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development,
- j) No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission and the developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development,
- k) There shall be no loading/ unloading of deliveries along the Western Distributor Road or the Ballymoneen Road.

Reason: In the interests of visual and residential amenity and to prevent a traffic hazard.

5. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the

buildings, internal common areas (commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- a) Detailed design plan for the hard and soft landscaping for the terrace/ open space area in front of the retail units to include paving, planting, seating and inclusion of painted railings rather than obscured glazing along the edge,
 - b) Inclusion of a formal children's playgrounds (minimum size 190m²) located adjacent to the west of the proposed crèche,
 - c) Extension of the internal walkway through the open space into the adjoining residential estate to the west, Leargan, with an appropriate gate and boundary treatment (2 high block wall) along the west of the open space,
 - d) Full details of all equipment and materials to be used for the formal play areas and removal of the exercise equipment within the eastern home zone,
 - e) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - f) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- g) details of proposed street furniture, including bollards, lighting fixtures and seating;
- h) details of the long-term management of the public spaces including the paved areas around the retail units,
- i) details of proposed boundary treatments at the perimeter of the site, and side and rear of the dwellings and front of the duplex units, including heights, materials and finishes shall be submitted to and agreed with the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and phasing requirements of the local authority.

Reason: In the interest of visual and residential amenity.

- 7. Prior to commencement of development the applicant shall submit details (design and materials) of the internal road network and full details of proposed home zone scheme, serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, which shall shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 8. The external finishes of the proposed buildings (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

- 9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours 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.

10. Parking and bicycle parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:

- a) 11 bicycle stands, each accommodating 5 spaces at appropriate locations,
- b) 2 number parking spaces serving the retail units shall be reserved for persons with impaired mobility which shall be not less than the dimensions set out in the document "Building for Everyone - a Universal Design Approach" (National Disability Authority).

Reason: To ensure a satisfactory cycle and parking layout in the interest of pedestrian and traffic safety and of visual amenity.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and at the

entrance into the site, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety

13. The development shall be carried out on a phased basis in conjunction with the provision of the crèche, retail units and landscaping and open space provision. Prior to commencement of any development on the overall site, details of the phasing shall be submitted to, and agreed in writing with, the planning authority.

a) The first phase shall consist of not more than 50% of the dwelling units, together with their associated site development works.

b) Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

14. 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 names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally

appropriate place names for new residential areas.

15. The construction of the development shall be managed in accordance with a Construction Management Plan and Construction Traffic 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 but not exclusive of the following:

- a) Location of the site and materials compound including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

16. 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

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

18. 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

19. 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.

Karen Hamilton
Planning Inspector

05th of March 2018.