



An  
Bord  
Pleanála

## Inspector's Report ABP-302626-18

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<b>Development</b>	Construction of a mixed housing development on lands consisting of 30 housing units
<b>Location</b>	Coolough Road, Terryland, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	17377
<b>Applicant(s)</b>	Montane Development (Ireland) Ltd
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Crestwood Residents Association.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> of November 2018.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

1.1. The site is located within Terryland, a northern suburb of Galway City, and is accessed directly from Coolough Road which connects to the main N6/ N84 roundabout via a link road. The site is vacant and overgrown with vegetation. There is an existing residential estate located to the east of the site, Crestwood, which contains a mix of house types mainly two storey detached properties with off street parking and private gardens. A similar residential estate is located to the south, Tirellan Heights which includes semi-detached dwellings. On the opposite side of the Coolough Road, there are a number of detached dwellings set within large sites, facing onto the public road.

## 2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- 30 no. residential units including one three storey apartment building with 18 no units and 12 no. two storey terrace dwellings within two terrace blocks.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission with 22 no conditions of which the following are of note:

C 2- The following requirements shall be implemented with regards to Monument GA 082-096, as follows:

- a) A 20m buffer zone, delineated by suitable secure fencing, shall be established between the development and the external perimeter of Monument GA082-096 Mass Road, prior to the commencement of any development within the site.
- b) No ground works for construction, landscaping or boundary works shall take place within the 20m buffer zone.
- c) All ground works associated with the development shall be monitored by a suitably qualified archaeologist.

d) Should archaeological material be found during the course of works, the works on site shall be stopped and contact made with the National Monuments Service.

e) An archaeologist shall furnish a full report to the planning authority.

C 3- The exact materials of the conventional buildings and apartment block shall be submitted for the written agreement of the planning authority.

C 6- Communal open spaces shall be managed by a properly constituted management company which shall include external painting of the apartment block every 4 years.

C 14- The exact line 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.

C 22- Inclusion of a Part V condition.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

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

1. Concern was raised in relation to the initial design and internal configuration and lack of compliance with Section 8.7 of the development plan “Urban Design” and the national guidelines of Sustainable Housing on urban design. Revised designs submitted included the removal of red brick and gable ends facing onto communal open space.
2. Submission of a landscaping design for the RA lands along the south and a redesign of dwellings to include orientation towards the open space.
3. Revision of ridge heights for buildings along the east of the site and increase in separation distances between existing buildings.
4. Compliance with the national apartment guidelines for the duplex units, in particular the use of a south facing orientation and redesign of the duplex units to remove an external staircase.

5. Revised boundary treatment to remove the timber fencing.
6. Redesign of communal open space to include overlooking and remove inappropriate boundary treatment.
7. Revision of private open space for the duplex units.
8. Compliance with Section 11.3.1 (f) in relation to separation distances between side boundaries and gable walls.
9. Removal of overlooking on adjoining on adjoining properties.
10. Revision of the entrance to ensure that the sightlines comply with the requirements of the NRA Design Manual for Roads and Bridges.
11. Tracking movements to comply with the NRA Design Manual for Roads and Bridges is required.
12. Revision of cycle parking to integrate with the communal open space
13. Comments on the potential impact of rock breaking on the adjoining properties.
14. Revised landscaping plan to include play equipment and cater for older people.
15. Compliance with the car parking standards in Section 11.3.1 (g) of the development plan.

The report of the planner noted compliance with the further information request although still had concerns in relation to four points as summarised below in the clarification of further information request:

1. The continued use of blank gables against play areas remains an area of concern.
2. Unacceptable redesign of the duplex units in relation to access to the carparking and orientation.
3. The northern section of the play area, including the play area, is not overlooked.
4. The removal of 2 (now 28) has reduced the density on the site to an unacceptable standard.

A revised design submitted included the replacement of the duplex units the apartment building which included 18 no units and a reduction of the conventional dwellings from 14 to 12.

### 3.2.3. Other Technical Reports

Drainage Department- No objection to proposal.

Parks and Recreation- No objection subject to conditions.

Chief Fire Officer- No objection to proposal.

Road Department: No report on file, the report of the planner notes discussions with the section.

Building Control- No objection to proposal.

### 3.3. Prescribed Bodies

Irish Water- No objection to proposed development

Department of Culture, Heritage and the Gaeltacht- No objection subject to conditions.

### 3.4. Third Party Observations

A significant number of submissions where received from residents in the vicinity of the site on the initial application, the significant further information and the significant clarification of further information and the issues raised are similar to those submitted in the grounds of appeal and also include:

- The amended design is a completely new application.
- The proposed 3 storey block is more imposing that the original duplex unit
- The use of the flat roof should not be permitted.
- The proposed dilapidation survey of adjacent properties does not state which buildings will be included.
- There was not sufficient time to respond to the further information requests.

- The traffic volume of the N84 should be taken into account and according to the national traffic data website an average of 12,537 cars passed the road daily in 2017.

#### 4.0 Planning History

None relevant on the site.

#### 5.0 Policy Context

- 5.1. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009)- Urban Design Manual A best practice guide.
- 5.2. Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (March 2018).
- 5.3. Design Manual for Urban Roads and Streets, 2013 (DMURS)
- 5.4. NRA Design Manual for Roads and Bridges, 2011 (TII) Volume 6
- 5.5. **Galway City Development Plan 2017-2023**

The land use zoning is partially R (residential) and an area along the south is zoned as RA (recreation and amenity).

RA (Recreation and Amenity) objective *“To provide for and protect recreational uses, open space, amenity uses and natural heritage”*

R (residential) 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.”*

#### **Section 11.3.1 (a) General Residential Guidance**

- Planning applications for residential developments on sites over one hectare in area shall include a design statement that demonstrates the relationship between the proposed development to the site context, adjoining

developments, the achievement of safe and convenient movement within the site, and how existing features are to be integrated into the development.

- Residential development shall be laid out in such a way so as to maximise accessibility to local services, public transport and to encourage walking and cycling.
- Pedestrian, cycle and vehicular movement shall be convenient, safe and integrated into the overall layout of the development.
- The layout of all new residential development shall have regard to adjoining developments and undeveloped zoned land. Where appropriate, linkages and complementary open spaces shall be provided between adjoining developments.
- Innovative layouts, including courtyard developments, shared open spaces and the clustering of dwellings shall be used, where appropriate, to achieve high standards of amenity.
- Existing hedgerow, trees, watercourses and stone walls shall be retained where feasible. A landscaping scheme including hard and soft landscaping, and incorporating SUDS principles where appropriate, shall be designed as an integral part of the development.
- A plot ratio of 0.46:1 for new residential development shall not normally be exceeded.
- Residential developments of 10 units and over shall normally provide a mix in type of residential units.

#### **Policy 2.6- Established Suburbs**

- Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development
- Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations

## **Section 11.3.2** Established Suburbs

As per standards for **Outer Suburbs** except:

### 11.3.2 (a) General

In the interests of sustainability and urban design, higher densities may be appropriate when new residential development or commercial/community development has regard to the prevailing pattern, form and density of these areas.

### 11.3.2 (b) Amenity Standards

Shall be as per Outer Suburbs except in certain circumstances where the established form and layout would deem a reduction in these standards appropriate, in the interests of sustainability and urban design.

### 11.3.2 (c) Car Parking Standards

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

Generally, these standards should not be exceeded

## **5.6. Natural Heritage Designations**

The site is located c. 200m to the east of Lough Corrib SAC.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted from the residents association adjoining the site and the issues raised are summarised below:

#### Invalid decision-making process by Galway City Council

- A large number of submissions were made to the planning application and other than acknowledge receipt, the council did not engage with the applicants.
- The original application was for 6 no semi-detached dwellings, 4 no terrace, 10 no ground floor apartments and 10 no duplex maisonettes, the permission



granted is for 12 no terrace dwellings in two blocks and 18 no apartments in a three storey building. The difference is so significant it requires a new application.

- The Galway Council rejected a submission based on non-payment of a fee although it is incorrect.

Non- compliance with Section 2.6 of the development plan- Established Suburbs.

- The proposed development is not in compliance with section 2.6 as it adversely affects the character of the surrounding areas and does not have regard to the existing pattern of development scale or proportion.
- The proposed development is completely out of character with the residential development in the Coolough Road area, particularly height, massing and density.
- Estates in the vicinity include single or two storey detached and semi-detached dwellings.
- The proposed apartment block is considerably larger than the previously proposed duplex block and is c. 50m by 16, at ground level and 3 stories in height.
- The contemporary design is not in keeping with the area.

Invalid Statement of work for the development plan- Rock Breaking

- There is concern over the proposed rock breaking on the site.
- The Construction Management Plan expects the rock breaking to be limited to the entrance
- A dilapidation survey of adjacent properties was carried out and given to the homeowners and although this was welcomed the residents are not satisfied with the information contained within.
- The planning authority ignored the issue of rock breaking apart from condition no 10B which states that in the event of any rock breaking on site a schedule of works and mitigation measures shall be submitted to the planning authority.

- It is requested that the City Council will ensure or indemnify the existing home-owners against any structural damage caused by development on the site.

### Traffic and Parking Issues

- The location of the entrance to the development on the side of a hill is unsuitable and dangerous
- The Traffic and Transport Assessment provided for by the developer showed that:
  - a) traffic exiting the development and turning left (south towards the city centre) will have a short interval to merge with and attain the prevailing speed, while travelling uphill (average vehicle separation is 5.8 sections, based on 620 vehicles per hr at morning peak time).
  - b) Traffic existing the development and turning right (northbound, towards Menlo) will be almost immediately out of view of other northbound traffic behind them.
- Condition No 14 refers to the submission of details on the exact line and configuration of the junction access road to the development with the public road and agreed with the planning authority. This is no acceptable.
- The proposed 30 car parking spaces is inadequate.
- There is on road parking when there is football fixtures at Terryland Park.

### Monuments and Heritage

- A mass rock (monument GA 082-096) was recently discovered on the boundary between Crestwood estate and the developers site and was on the local news.
- Condition no 2 requires specific conditions to protect the mass rock.
- Submissions also show new research on the Ordnance Survey website, overlaying the pre-famine historic map 6-inch B & W onto current maps. Clearly shows and old roadway with a “ruin”.

## 6.2. Applicant Response

A response was received from the applicant in relation to the grounds of appeal which is summarised below:

### Non-compliance with the development plan

- The proposed development is in keeping with the priorities and objectives of the Galway City Development Plan.
- The design ensures a balance between the reasonable protection of the residential amenities and the character of the established residential properties.
- 0.7138 ha of the site is zoned residential while the remainder (0.389ha) is zoned recreational and amenity.
- The site is a new development with a proposed new entrance and therefore does not interfere with the any established existing developments.
- On the Coolough Road there is an established pattern of 3 storey buildings including the Menlo Park Hotel and the Menlo Park Apartments.
- A planning permission on the adjoining site Reg Ref No 06/626 incorporates 3 storey units.
- The design of the proposed development complies with Section 11.3.1 (a) of the development plan and the communal open space is 15% which equates 1,624.20m<sup>2</sup>. The proposed open space will total 3,020m<sup>2</sup> which represents a 27% of the overall site area. In addition, a further 3,890m<sup>2</sup> of "RA" will be given over to communal open space and amenities.
- Private Open space is provided at 50% of the gross floor area of each terrace house unit.
- The national apartment guidelines and balcony sizes comply with the Specific Planning Policy Requirement 4.
- The orientation of the apartments complies with the dual aspect requirement (minimum of 50% required) of the 6 apartments per floor 4 are dual aspect.

- The proposed development of 30 units will total a GFA of 3,430.71m<sup>2</sup> giving a plot ratio of 0.31:1.
- The continuation of 2 storey residential development in the vicinity will not allow maximum benefit to the site.
- The site is not an “isolated infill site” as it fronts onto the Coolough Road and is a stand-alone development.
- In relation to height the proposed development includes a range of heights and is 11m from Tirellan Heights.

Invalid statement of works for the development plan- Rock Breaking

- All the necessary technical due diligence was carried out and a comprehensive Geotechnical Investigation was lodged.
- A detailed Construction Management Plan, outlining the environmental management on the site is included.
- The clarification of further information included a dilapidation survey carried out by an Independent Structural Engineers and provided to the homeowners whose properties were surveyed (confidentiality of each homeowner is protected)
- It is evident there has been a considerable amount of time and effort spent to avoid unnecessary impacts on the surrounding area.
- The Geotechnical investigation includes results from 10 trial holes taken to 2m deep to indicate that no bedrock was encountered (apart from Trial pit No. 5).
- Rock breaking will be limited to a localised section of the rock outcrop adjacent to the junction in order to achieve visibility splays.
- The strata encountered indicated that the site was suitable for shallow building foundation systems, thus avoiding piling or deep rock. Excavations / rock breaking.
- The developer will be fully compliant with Condition 10 B.

## Traffic and Parking Issues

- Sightlines have been submitted in the proposal and comply with the national guidelines DMURS at 65m. This document is the standard classification for an urban project.
- A “*Revised Traffic Engineering Layout and Additional Site Visibility Profile*” has been included with the submission to the appeal which includes sightlines at 90m in both plan and elevation in accordance with the NRA Design Manual for Roads and Bridges.
- A drawing has been submitted with the *Forward Visibility for Southern Approaching Vehicles Plan Layout Drawing No. G1733DG0018-01* & *Forward Visibility Vertical Profiles for Southern Approaching Vehicles (DMRB)* to demonstrate adequate stopping distances for vehicles approaching the junction from the south.
- The TTA has been carried out for the site to state that the development will not have a material impact on the operation of Coolough Road and the site access junction will operate with a large amount of spare capacity and minimal queuing.
- A response to the query on the on-site parking provision has been included in Appendix F of the response to further information letter and it is confirmed that the parking provision is in line with the provisions of the development plan 2017-2023.

## Monuments & Heritage

- None of the permitted housing is located within the 20m buffer zone which has been referred to in the DHCG submission.
- The response to the Board includes a “Submission to An Bord Pleanála on the Archaeological Impact of a Planned Development” (Appendix B) which shows that the building shown on the site was demolished in the 1800 and is not particularly important in archaeological terms.

### 6.3. Planning Authority Response

None received.

### 6.4. Observations

None received.

### 6.5. Further Responses

A response from the appellant was received on the applicant's submission and the issues raised are summarised below:

#### Invalid Decision- making process by Galway City Council

- The developers have not responded to any of the issues raised and the initial points are re-iterated. A new application should have been submitted.

#### Non- compliance with the City Development plan 2017-2023

- The initial submission is reiterated in particular with regard to Section 2.6 and it is firmly believed that the proposed development will affect the character of the existing neighbourhood.
- There are only 2 developments within the wider vicinity which are 3 stories whilst the surrounding areas all consist of 2 storeys.
- It is not agreed that the proposed development will have no overshadowing and the building is of such a mass and scale it will intrude on the entire landscape and character.

#### Invalid statement of works for the development plan- Rock Breaking.

- 4 out of the 10 trial holes fall within the footprint of the proposed structures and almost all did not meet 2.0m in depth.
- The Board has the necessary expertise to determine the adequacy of the geotechnical.
- There is no clarification that the dilapidation survey has been carried out.

### Traffic & Parking Issues

- Alternations to the proposed entrance would ensure that no rock breaking is required.
- The developments have failed to comment on the issues of overflow onto the Coolough Road.

### Monuments & Heritage

- The Archaeological Impact Report is noted although it is queried if Dr Sherlock's report "Submission to An Bord Pleanala" is a valid report.
- The recommendation in the report is not accepted and the site of the "ruins" requires further investigation.

## **7.0 Assessment**

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

- Impact on Residential Amenity
- Impact on Built Heritage
- Access and Parking
- Other
- Appropriate Assessment
- Environmental Impact Assessment

### **Impact on Residential Amenity**

7.2. The subject site is located adjoining existing residential developments to the west of Crestwood and north of Tirellan Heights. The proposed development includes a row (12 no) of two storey dwellings along the north east of the site at the rear of Crestwood and a 3 storey apartment development in the centre of the site adjoining the main road. The grounds of appeal are submitted from the resident's association of an adjoining estate and the issues raised relate to impact of the proposal on the residential amenity and the character of the area. In addition, the grounds of appeal consider the overall design of the proposal is not appropriate for the subject site and therefore it is not in keeping with the policies and objectives of the development plan.

I have included reference to compliance with the development plan policy in conjunction with the impact on the residential amenity below.

7.3. Development Plan Compliance: The proposed development is within an area defined as “Established Suburbs” in the development plan and includes for 12 no two storey conventional dwellings and a 3 storey building to accommodate 18 no. apartment units. A 2m wide wayleave runs along the entire southern section of the site and is zoned for recreation and amenity use, this area is integrated as communal open space as discussed below. The grounds of appeal refer 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 response to a further information request the applicant referenced the shared surface spaces, orientation of units and overall design. I note the location of the conventional dwellings closest to the existing residential estate to the north and the location of the apartments adjoining the open space and having regard to the size of the site I consider the overall design is in keeping with the general principle of the national guidance for sustainable residential development.

7.4. Density: The subject site is c. 1.1ha in size. The development plan does not specifically include a requirement for density and refers to plot ratio (required: 0.46:1, proposed 0.31:1) as a means of guiding the amount of residential units and the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018” 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 c. 30 units per ha and whilst lower than the recommended



density it must be acknowledged that a significant amount of the site (3,890m<sup>2</sup>) is designated as recreational and amenity lands and having regard to the transition area adjoining existing single storey dwellings and the inclusion of apartments, I consider the density acceptable.

- 7.5. Overlooking: 6 of the proposed two storey dwellings are located to the rear of existing single storey dwellings within the Crestwood estate. The rear gardens are 11m in depth and there is a separation distance of c. 22m from the closest existing dwelling. The apartments are located c. 45m from the rear of the existing dwellings to the south in Tirellan Heights. Therefore, having regard to the separation distance from the existing dwellings, I do not consider there will be any overlooking on existing properties.
- 7.6. Overbearing: The grounds of appeal refer to the overall scale of the apartment development which is not in keeping with the character of the surrounding area. Following a further information request the applicant redesigned the overall scheme to remove the inclusion of gable walls at prominent locations and increase surveillance on the communal open space. I note the 12 no conventional dwellings where retained and an apartment development proposed. I consider the apartment development was necessitated to increase the density on the site and ensure sustainable use of urban lands. I note the three storey height of the apartment development and the distance from the existing dwellings and I do not consider it will have a significant overbearing impact on the residential amenity. I also note the design and orientation of the apartment building in conjunction with the adjoining Coolough road, the dual aspect design and overlooking onto the communal open space, which I consider acceptable.
- 7.7. Overshadowing: As stated above, the apartment block is c. 45m north of the existing dwelling and the two storey dwellings are c. 22m to the west of the existing dwellings at Crestwood. Therefore, having regard to the orientation of the proposed buildings in relation to the existing dwellings I do not consider there will be a significant overshadowing.
- 7.8. 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. A schedule of apartment sizes

accompanied the drawings and I note the proposed development complies with the minimum floor space requirements, therefore I consider the size of the apartments acceptable.

- 7.9. Communal Open Space: The communal open space is located through the site, along the south on the site on the recreation and amenity lands, and to the north of the site adjoining the terrace of dwellings. Section 11.3.1 ( c ) of the development plan requires the provision of 15% of communal open space. In a response to the grounds of appeal the applicant states that 27% of the overall site area is allocated to communal open space. A landscaping plan accompanied the clarification of further information which includes a planting schedule, concrete paving type and an indicative playground area along the southern corner of the site. Section 11.3.1 of the development plan requires the landscaping scheme includes hard and soft landscaping, incorporates SUDS principles where appropriate and I do not consider the inclusion of concrete paving setts will support SUDS. I note no seating areas are included within the scheme or any detail for the playground. Having regard to the integration of recreation and amenity lands within the overall development, I consider a condition to require the inclusion of paving to support SUDS, the inclusion of a minimum of 4 formal seating areas and full details of the proposed playground reasonable.
- 7.10. 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. The application was accompanied by a schedule of floorspace and open space provision for the terrace dwellings which I note complies with the development plan standards. In relation to the apartments, I note the standards comply with the national guidance although a “covered balcony” (c. 5m<sup>2</sup>) has been provided for apartment 15, which I do not consider is sufficient private amenity space and I consider a condition to alter this design feature is reasonable.
- 7.11. Rock Breaking: The subject site has a significant amount of rock close to the surface and upon site inspection bare rock was evident particularly at the location of the proposed entrance. Following a further information request in relation to a request for the applicants to address the issues raised from the adjoining residents on

construction methodology for rock breaking and the potential impact (point 15), the applicant submitted a Construction Management Plan and a Geotechnical Investigation. The grounds of appeal do not consider the information contained within the Geotechnical Investigation is sufficient to address any concerns raised, including noise and disturbance, and note the location of the trail holes outside the footprint of the proposed buildings.

- 7.12. The Geotechnical investigation consisted of 10 trail holes at various locations throughout the site. Bedrock was encountered at c. 2m at most of the trail holes except Ref TH5. The report concluded that the site is favourable for shallow (raft) foundations and the subsoil is sufficient for allowable bearing pressure (ABP). The applicants response to the grounds of appeal states that rock breaking will be limited to a localised section of the rock outcrop adjacent to the junction in order to achieve visibility splays and attention is drawn to Condition No 10B which states *“In the event that rock breaking is required on site, a schedule of works including mitigation measures and the hours and days of operations shall be submitted for the agreement of the Planning Authority in writing”*. In addition to the above, information submitted from the applicant refers to a “dilapidation survey” (building condition report) of building in the vicinity and although the grounds of appeal request to see this information, the applicant considers it is confidential and only applicable to those home owners whose dwellings were surveyed which I consider reasonable.
- 7.13. I note the information submitted in relation to the site investigations and the inclusion of a dilapidation survey and having regard to the scale of works and the limited amount of rock breaking which will be required on the site I consider the inclusion of Condition 10 B will ensure any negative impact on the residential amenity of those adjoining residents.
- 7.14. Having regard to the size and location of the site within the urban centre of Galway City and the overall design and orientation of the dwellings and apartments on the site, I do not consider the proposed development would have a significant negative impact on the visual or residential amenity of those residents of properties in the vicinity of the site.

## **Impact on Built Heritage**

- 7.15. The site contains a Monument GA082-096 Mass Rock. The grounds of appeal note that this archaeological feature was only recently discovered and consider there are other archaeological features on the site which have yet to be discovered and new research on the Ordnance Survey website and overlaying the pre-famine historic map 6-inch B & W onto current maps shows an old roadway with a "ruin".
- 7.16. The National Monuments Service notes a recent additional (01<sup>st</sup> of June 2018) as a Mass Rock on the boundary of the site, a strip of grass in Crestwood housing estate, which is described as a large limestone boulder that is pentagonal in plan and the upper surface is flat and fairly even. No other monuments were recorded on or near the subject site. The applicant submitted a detailed archaeological impact assessment, undertaken by a consultant archaeologist, in response to the grounds of appeal (Appendix B). The report investigated the "ruin" which was referred to in the appellant's statement and concluded that the building demolished in the late 1800s is not particularly important in archaeological terms and should there be any remains they would be protected by the conditions imposed on the grant of permission, addressed below. I note the report and consider the findings reasonable.
- 7.17. A submission was received from the Department of Culture, Heritage and the Gaeltacht (DCHG) which indicated no objection subject to a condition requiring the inclusion of a 20m buffer zone between the development and the monument, included as condition No 2. I note the location of the closest dwelling along the east of the site is c. 20m from the edge of the site adjoining the national monument and I consider the inclusion of the condition requiring a buffer zone reasonable. The condition also requires monitoring by a suitably qualified archaeologist during construction works, therefore I consider there is reasonable protection afforded to other potential material on the site.
- 7.18. Therefore, having regard to the location of the national monument, the design of the proposed development and the submission from the DCHG, I do not consider the proposed development will have any significant negative impact on the archaeology or built heritage on the site or the surrounding area.

## **Access and Parking**

- 7.19. The subject site is accessed directly off the Coolough Road which connects to the N84 by a link road. The proposed development includes a new access into the site to accommodate 12 no dwellings and 18 no. apartments with associated parking. The grounds of appeal consider the proposed access is insufficient to prevent a negative impact on the existing traffic flow and state that condition no 14, which requires the submission of the exact line and configuration of the junction of the access road for agreement with the planning authority, is unacceptable. In addition, the grounds of appeal consider the proposed 30 no car parking spaces is insufficient and will lead to overspill parking along the Coolough Road. I have addressed the issue of access and parking separately below.
- 7.20. Access: The proposed access into the site is located in the centre of the site around the location where the rock outcrop is the highest. Following a request for further information (Point 11) on the location of the access in proximity to the crest of the hill on a bend, the applicant confirmed that “A Traffic Engineering Layout and Site Visibility Profile” for cars entering and existing the development has been included in the submission to demonstrate that sightlines of 90m and 70m in both plan and elevation are in accordance with the NRA Design Manual for Roads and Bridges and this was supported by Autotrack analysis. In response to the grounds of appeal the applicant also states that the provision of 70m sightlines is in excess of the 60m requirement in national guidance urban areas in DMURS.
- 7.21. As stated above, the access point is located where the rock outcrop is the highest on the site and I note amended plans submitted with the further information include proposed ground levels at the access point and in the vicinity, where the centre point is c. 27.57 and the sightlines to the south (towards the crest of the hill) are c. 27.00. It is acknowledged within the construction management plan and Geotechnical Investigation that works for the access may require an element of rock breaking and I note Condition No. 14 requires the submission of the exact line and configuration of the junction of the access for the written agreement of the planning authority.
- 7.22. I note the site is located within a 50km/h speed limit and therefore the standards of DMURS, 60m, would be applicable at the site, therefore I consider the inclusion of a 90m to the south and 70m to the north is acceptable. I consider the submission of

further details , as per condition No 14, reasonable and having regard to the amount rock breaking required I consider a condition restricting any obstructions within the sightlines reasonable.

- 7.23. Car Parking: The proposed development includes the provision of 30. no car parking spaces in a central location as shared spaces. Section 11.3.2 of the development plan sets out the requirement for car parking within the “Established Suburbs” as 1 on-site per dwelling and 1 grouped visitor per 3 dwellings or 1 space per dwelling if grouped. I consider the provision of car parking on the site complies with the development plan standards.
- 7.24. Cycle Parking: Section 11.3.1 (h )of the development plan requires the provision of 20 cycle spaces as a minimum and following a further information request on the location of the cycle stands adjoining the communal open space, two cycle stands where repositioned to the south of the apartment development beside the communal space, which I consider reasonable.
- 7.25. In additional to the above, I note the subject site is currently well served by footpaths and public transport and having regard to high standard of visibility provide for the proposed access and the standards of car parking and cycle parking on site I do not consider the proposal will have any significant negative impact on the traffic movements along the adjoining Coolough Road or the vicinity of the site.

### **Other**

- 7.26. The grounds of appeal consider the timescale associated for the request for further information and clarification for further information where insufficient and did not include appropriate period for consultation. I note the planning authority required the readvertisement of both the further information and the clarification of further information as these where considered significant alterations.
- 7.27. Section 5.9 of the Development Management Guidelines for Planning Authorities (2007) provides guidance on the appropriate methods of addressing significant further information and refers to the professional judgement of the planning officials and the procedure in Article 35 of the Regulations.
- 7.28. Having regard to the determination of the Planning Authority as significant further information, I consider there was sufficient opportunity for public involvement.

### **Appropriate Assessment**

7.29. The site is located c. 200m from the Lough Corrib SAC and is serviced by the public water and sewerage system. Having regard to the nature and scale of the proposed development within a serviced area 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.

### **Environmental Impact Assessment**

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

## **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 (R) and recreation & amenity (RA) land use zoning of the site and the policies and objectives of the Galway City Development Plan 2017-2023,
3. the design and location of the proposed development, and
4. 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 visual or residential amenities

of the area, have a significant negative impact on the archaeology 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 as amended by the further plans and particulars received by An Bord Pleanála on the 24<sup>th</sup> of October 2018, 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) Revised plans for apartment No 15 shall include the provision on an uncovered balcony locate on the exterior of the building.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 interest of residential amenity.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - a) A 20 m buffer, delineated by suitable secure fencing shall be established between the development and the external perimeter of



Monument GA082-096 Mass Rock, prior to the commencement of any development within the site,

- b) no grounds works for construction, landscaping or boundary works shall take place within the 20m buffer zone,
- c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- d) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- e) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

The plan shall provide details of any rock breaking which is required on site and include a schedule of works including mitigation measures and the hours and days of operations.

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

5. 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

6. The exact line and configuration of the junction of the access road to the development with the public road shall be set out on the site and revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works and should support the principles of Sustainable Urban Drainage Systems (SUDS).

**Reason:** In the interest of amenity, traffic and pedestrian safety and proper planning and development.

7. 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.

8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the

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

**Reason:** In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas

9. 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) details of all proposed hard surface finishes to support the principle of Sustainable Urban Drainage Systems (SUDS), including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed playground equipment and treatment of ground finish, street furniture (minimum of 4 formal seating areas), including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity

10. a) The communal open spaces, including hard and soft landscaping, car

parking areas and access ways, communal refuse/bin storage]and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity

11. 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.

12. a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage

13. 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

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

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

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the

area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

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Karen Hamilton  
Planning Inspector

21<sup>st</sup> of December 2018