



An
Bord
Pleanála

Inspector's Report ABP-302900-18

Development	Demolition of office building and Construction of 8 apartments
Location	Oranmore, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	181129
Applicant(s)	Shane Curley.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Shane Curley
Observer(s)	None.
Date of Site Inspection	17 th January 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located within the centre of Oranmore Village and comprises a single storey office building directly accessed from the main street. The site is bound to the west (front) by a 1.2 m render wall, mature trees to the south, 2 metre concrete wall and trees to the east and is open into adjoining site to the north. The site is fully tarmacked with the exception of the tree line buffer to the south and a small grass area to the east abutting the boundary wall.

2.0 Proposed Development

- 2.1. Planning permission is being sought for the following development:

Demolition of existing office building and construction of 1no. 2 storey building and 1 no. single storey building to accommodate a total of 8 no. apartments.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Based on lack of car parking, limited size of site and scale of development it was considered that the development would constitute an overdevelopment of the site.
2. The front elevation of the proposed apartment block to the west of the site addressing the public road was considered incongruous with the existing permitted development.
3. The absence of any carparking provision to serve the proposed development, would form a substandard form of development that would endanger public safety by reason of traffic hazard or obstruction of road users.
4. In the absence of a pre- connection query form/evidence correspondence with Irish Water, the Planning Authority was not satisfied that the public mains and public sewer infrastructure has the capacity to cater for the proposed development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

A number of observations were received, the main issues arising from these can be summarised as follows:

- Unsuitable design.
- Apartments are incompatible with village setting.
- Car parking should be provided on site.
- Overlooking
- Flooding
- Excessive height
- Surrounding development characterised by single storey and dormer dwellings
- Overdevelopment of site

4.0 **Planning History**

PL07.214715 Permission was **refused** for the construction of three retail units with offices overhead and 2 no. single-storey houses for the following reasons:

1. Overdevelopment.
2. Endanger public safety by reason of traffic hazard.

PL07.128498 Permission was **refused** the erection of a shop with offices for the following reason:

1. Visual impact on St. Mary's Church a protected structure.

02/4290 Permission was **refused** for the construction of 9 no. apartments in two two-storey blocks with dormer accommodation for reasons as stated including "out of character with the existing pattern of development".

Adjoining site to north

03/5897 Permission was **granted** for a retail/residential development.

04/4506 Permission was **granted** for provision of office accommodation.

5.0 Policy Context

5.1. Development Plan

Galway County Development Plan 2015-2021

The site is subject to zoning objective R which seeks to promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area. Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.

- Objective SS 1 – Galway Metropolitan Area
- Objective SS 5 – Development of Key Towns.
- Objective CS 4 – Development of Serviced Lands
- Section 3.3 Housing Location/Design and Density in Urban Areas
- Section 3.4.3 Infill/Sub Division of Individual Sites
- Objective UHO 8 – Urban Design

- DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements (Urban and Rural Areas)
- Section 13.3 Guidelines for Residential Development (Urban and Rural Areas)

Oranmore Local Area Plan 2012-2022

- Policy RD 1 – Residential Development
- Objective TI 17 – Urban Street Network
- Objective UI 3 – Wastewater Disposal.
- Section 3.7 Urban Design and Landscape
- Objective LU 3 – Residential (R)
- Objective LU14 – Development Densities
- Objective LU15 – Residential Densities
- Objective UD 1 - High Quality, Context Sensitive Design
- Objective UD 3 – Spatial Definition and Animation
- Objective UD 5 – Street-Oriented Development and Responsive Frontages
- Section 3.1.3 Development Management Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018

- SPPR 2 – Dwelling mix.
- SPPR 5 – Ground floor ceiling heights
- Section 4.11 - adequate levels of sunlight to reach communal amenity space throughout the year.
- Section 4.15 Bicycle Parking and Storage.
- Section 4.18 – Carparking.
- Section 6.5 – Apartments and daylight provision.

Project Ireland National Planning Framework 2040

- Section 1.2 Making the vision a reality

- Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

The site is not located within any designated sites however the Galway Bay Complex SAC and Inner Galway Bay SPA are located c. 400 metres west and east of site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal as submitted by the applicant can be summarised as follows:

Design & Layout

- Design is of a high quality and responds to the established scale, roof profile, building line and position of the front and rear blocks.
- Recommended Development Densities for the area are set out in DM Guideline LU1 and are only guidelines not absolute standards.
- Plot ratio is 0.55 which is marginally over recommended plot ratio.
- Site coverage is 34.79%
- Communal open space is 16.7%
- Higher densities in appropriate locations are supported under objective LU14 & LU15 of the Oranmore Local Area Plan.
- Development is consistent with principles of consolidated expansion of the urban grain.
- Development is similar to existing building to north in terms of scale, bulk etc and is slightly higher.
- Existing streetscape has little architectural merit, proposal will enhance the area.
- Alternative elevation drawings have been submitted and meet criteria of urban design objectives.

Carparking

- Carparking was not included as it could only be accommodated to the front of the site and could not accommodate turning movements and would result in a traffic hazard, it was therefore omitted.
- Site is located in an urban location proximate to town centre and it was not considered necessary to provide parking.
- Presence of 2 large public car parks obviates the need for on site car parking.
- Bus stop at site entrance.
- In accordance with DM 22, 5.5 carparking spaces are required.
- Flexibility can be applied in relation to carparking requirements where the site is infill and adjacent to public transport corridors.

Pre-connection Enquiry

- A pre-connection enquiry was submitted to Irish Water but was not included with the planning application.
- To refuse permission on this basis is not considered to be reasonable as there are no recorded infrastructural capacity issues in Oranmore.

Overlooking

- It is proposed to insert frosted glass into the side windows of apartment no. 5 in order to address any overlooking.

7.0 Assessment

7.1. The site contains an existing commercial property and is located entirely within an area subject to the R zoning objective which seeks to:

- Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of the area.

- Protect existing residential amenities and facilitate compatible and appropriately designed new infill development, in accordance with the proper planning and sustainable development of the area.

The principle of a residential use at this location is acceptable subject to compliance with the relevant objectives of the County Development Plan and other relevant criteria.

7.2. It is of note that the applicant has submitted revised plans with the appeal which provide for a revised design and reduced height of the front building addressing the main street. These plans are intended to address the second reason for refusal stated by the Galway County Council which referred to this building as incongruous within the streetscape.

7.3. I consider that the relevant issues in determining the current appeal before the Board relates to:

- Design
- Overlooking & Overdevelopment
- Carparking
- Services
- Appropriate Assessment

Design

7.4. Concerns have been raised within the grounds of appeal regarding the overall design of the proposed development. It is contended by the applicant that the proposed development has been designed so as to integrate effectively with the existing commercial development to the north of the site. The proposal has a lower ridgeline of 8.145 metres compared to that of the existing development to the north which has a ridgeline of 12.93. According to the applicant this lower ridge height has been designed in response to the context of the site which abuts the existing commercial building to the front and a single storey residential development to the north east.

7.5. The design is stated to represent a high-quality design intervention within the existing streetscape. I consider the proposed design of the front building as submitted to Galway County Council to be in keeping with the existing pattern of

development in both the vicinity of the site and the remainder of the town. The proposed heights, scale and bulk of this building is reflective of existing development and the palate of materials proposed will provide for a contemporary building at this location which will significantly improve the appearance of this seafront location.

- 7.6. I do not consider the revised plans which accompany the appeal to be necessary whilst I acknowledge that the design is of merit, I consider the original design refused by Galway County Council to be of adequate quality.

Overlooking & Overdevelopment

- 7.7. It is of note that overdevelopment has been cited as a reason for refusal. The applicant contends within the grounds of appeal that this is unreasonable and references that the proposed site coverage for the scheme is low at 34% and open space is high at 16.7%. Section 3.1.3 of the Oranmore Local Area Plan 2012-2022 stipulates an upper limit for site coverage of 50% and a minimum level of open space for such development of 15%. Given that the proposed development complies with these requirements it is argued by the applicant that the proposed development is not an overdevelopment of this site.
- 7.8. Whilst I acknowledge that the development complies with the requirements of the Oranmore Local Area Plan in relation to the aforementioned standards, the application of these standards in isolation of an assessment of the full site context is not sufficient to assess the merits of the scheme with regard to overdevelopment. Carparking provision, proximity to adjoining properties, pattern of development, overlooking and overshadowing must all be considered in tandem with the standards in order to provide an acceptable level of assessment in this regard.
- 7.9. I noted at the time of site inspection that there are a number of single storey dwellings to the rear (east) of the site. It is proposed to provide open space for future residents directly abutting this eastern boundary. Separation distance proposed at this location from the rear of the proposed block is c. 11.8 metres with a larger separation to the south in excess of 13 metres and a shorter separation to the north of less than 10 metres. No balconies are proposed within the eastern elevation. Given the urban setting of the site and the limited height of the development I consider that these separation distances are adequate and will not give rise to a

significant level of overlooking or loss of privacy to the dwellings to the east of the site.

- 7.10. I note within the grounds of appeal that the applicant has proposed to insert frosted glass within the southern elevation of the front building in order to reduce any perception of overlooking for the dwelling to the south. Given the limited separation distance at this point I consider the use of frosted glass as specified to be reasonable and is adequate to discount any overlooking to the existing property.
- 7.11. The proposal is orientated in an east west direction and as previously mentioned extends to 2 floors in height. Having regard to the separation distances provided, the orientation of the development and the limited height proposed, I do not consider that significant levels of overshadowing will be generated.

Carparking

- 7.12. The applicant proposes to construct a car free development. I note within the grounds of appeal that the applicant refers to a previous application, for a commercial building, determined by the Board in which it was considered that the provision of car parking due to the restricted layout and narrow access proposed would endanger public safety by reason of a traffic hazard. It is contended by the applicant that the only car parking arrangement available at the site would be of similar specification to that which was the subject of a previous refusal. It is for this reason car parking was omitted from the scheme.
- 7.13. It is further contended by the applicant that a relaxation of requirements should be applied to this development given the urban location of the site within the town centre and the presence of two large public car parks to the west of the site which can be utilised by residents. The applicant also refers, within the grounds of appeal, to the existing bus stop directly outside of the development site which provides a half hourly service to the town and Galway city.
- 7.14. DM Standard 22 of the Galway County Development Plan requires 1.5 spaces per unit for dwellings of 1-3 bedrooms. Based on these requirements the proposed development would have to provide for 12 parking spaces.
- 7.15. Section 4.18-4.24 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 are of relevance and make reference to the relaxation of parking standards in suitable locations. These Sections

of the guidance set the parameters within which areas can be classified for example central and /or accessible urban locations area classed as areas as having a public transport frequency of no less than 10-minute intervals with no more than a 5-minute walk to a service. Intermediate urban locations are areas served by public transport or close to town centres and are areas where densities in excess of 45 units per hectare are present. Peripheral or less accessible urban locations are the final level of classification. For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided. The proposed development does not provide for any of these requirements.

- 7.16. Oranmore whilst located within the metropolitan area of Galway City is a semi-rural town with a population of under 5,000 inhabitants. The bus service has a 30-minute frequency and as such in accordance with Section 4.22 of the guidelines I consider the appeal site to be a peripheral location for the purpose of car parking provision. Developments in such locations are required under the guidelines to provide 1 space per apartment and 1 visitor space per 3-4 apartments including space for persons with impaired mobility. Having regard to the requirements of the guidelines the scheme should therefore provide for 10 parking spaces.
- 7.17. In the absence of any suitable car parking arrangements, secure cycle storage and having regard to the infrequent bus service available to residents at this location I consider the proposal to be an overdevelopment of the site. The proposal would result in a substandard and deficient form of development. In the absence of any suitable pull in or drop off area I have concerns that the development would give rise to haphazard vehicle movements along the road frontage of the site which would adversely affect the safety of both road users and pedestrians at this location. The proposed development would be contrary to the provisions of both the Galway County Development Plan 2015-2021 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

Services

7.18. It is proposed to connect the development to the public water supply and public sewer. The applicant contends within the grounds of appeal that there is a connection enquiry with Irish Water in this regard. It is of note that the Local Authority refused the development based on the absence of the enquiry details. Pre-connection enquiries are not a matter for the Board, in the event that planning permission is granted the applicant will be required to obtain all relevant legal consents to carry out the development prior to construction. Agreements with Irish Water would form part of this process and are dealt with separately to the planning process.

Appropriate Assessment

7.19. As mentioned above the Galway Bay Complex SAC and Inner Galway Bay SPA are located to the west and east of the appeal site. The site is located in a serviced built up area of Oranmore and there is a significant level of development present between the appeal site and these protected sites. The proposed development is located within an existing brownfield site and construction will be contained within the appeal site and will not impact on either the SAC or SPA.

7.20. As such, having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

8.0 Recommendation

8.1. I recommend that permission is refused for the following reason:

9.0 Reasons and Considerations

1. The site is located in an area where public transport services are infrequent. The absence of any onsite car parking and an adequate drop off area to cater for the development would result in a substandard and seriously deficient form of development that would be inadequate to cater for the parking demand generated by the proposed development. The proposal would be contrary to the provisions of both the Galway County Development Plan

2015-2021 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 and would lead to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and would tend to create serious traffic congestion. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

Sarah Lynch

Planning Inspector

12th February 2019