



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion

ABP-303623-19

Strategic Housing Development	101 residential units (46 houses and 55 apartments), a childcare facility and all associated site development works.
Location	Letteragh Road, Letteragh, Ragoon, Galway.
Planning Authority	Galway City Council.
Prospective Applicant	Burkeway Homes Limited
Date of Consultation Meeting	15 March 2019.
Date of Site Inspection	23 February 2019.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The site is located in the north western outskirts of Galway City, approximately 3 kilometres from the city centre. The site is accessed from Letteragh Road, a minor country road that joins Circular Road to the south and the suburbs around Westside Park and Shopping Centre. Sliabh Rioga, a housing estate that comprises a mixture of semi-detached, duplex and apartment buildings is located to the west of the site.

The site is typical of farmland in the vicinity, comprising poor quality grazing land with stone wall and hedge boundaries. The site undulates with higher ground located to the eastern portion of the site and lower damp ground alongside a laneway and Letteragh Road. A number of large one-off rural houses are located to the north and east of the irregularly shaped site. A footpath is located to the front of the Sliabh Rioga development, but stops abruptly at a bungalow that juts out to meet the edge of the public road, a footpath continues south on the western side of the road. There are no pedestrian facilities adjacent to the site.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 101 residential units (46 houses and 55 apartments), as follows:

- 28 four bed houses – 28%
- 18 three bed houses - 18%

- 13 one bedroom apartments (apartment building) - 13%
- 34 two bedroom apartments (apartment building) - 33%
- 8 three bedroom apartments (apartment building) - 8%
- Childcare Facility, 243.1 sqm.
- Tenant facilities – gym.
- The site area is 2.541 hectare. Gross residential density 40 units per hectare.

4.0 National and Local Policy

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Local Policy

Galway City Development Plan 2017-2023

The site is zoned Residential Land in the Galway City Development Plan 2017-2023.

The objective for Residential Lands is to provide for residential development and for associated support development, which will ensure the protection of existing

residential amenity and will contribute to sustainable residential neighbourhoods. Residential and childcare facilities are considered uses which are compatible with and contribute to the zoning objective.

There are no specific objectives associated with the site, the following sections of the development plan area relevant: Chapter 2 Housing and Sustainable Neighbourhoods, Chapter 3 Transportation, Chapter 4. Natural Heritage, Recreation and Amenity, Chapter 8. Built Heritage and Urban Design, Chapter 9. Environment and Infrastructure and Chapter 11. Land Use Zoning Objectives and Development Standards and Guidelines.

A portion of the **N6 Galway City Ring Road** route corridor, a link road, adjoins the site. The N6 Galway City Ring Road project is at Stage 3 as defined under the NRA Project Management Guidelines (2010). This is where a preferred route corridor has been selected and the necessary further assessments are being carried out in order to bring the project to a level where the statutory consents can be sought from An Bord Pleanála i.e. Stage 4. It is anticipated that the application for such approvals will be made in the second quarter of 2017.

A specific **traffic and road network objective** runs along the road boundary of the site. The objective is to investigate and develop road improvements, junction improvements and traffic management solutions in the context of the Galway Transport Strategy (GTS) and strategic developments, to maximise the operating efficiency and safety of the network having regard to the requirements of all categories of road users and road network capacity constraints. Such solutions or interventions will be developed in conjunction with the relevant agency, such as the TII, NTA, and the Department of Transport, Tourism and Sport and will, where necessary, be subject to the requirements and consenting procedures of the Planning and Development Acts and the Roads Acts.

There is a road, a distance to the south east of the site that contains a **Views and Prospects** objective, the policy of the Council in this regard is to protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city through the control of inappropriate development. In addition, require landscaping schemes as part of planning

applications to have regard to such views and limit any planting which could have a detrimental impact on the value of protected views.

5.0 Planning History

Subject site:

None

Nearby Sites:

There are a number of extant permissions for residential development in the vicinity, one of which is currently under construction.

Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that Section 247 pre-application consultations took place with the planning authority on a number of dates including 3 September 2018, 27 September 2018 and the 14 November 2018. Details of the meeting are submitted.

6.0 Forming of an Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included the following: a Completed Application Form; site layout plans and architectural and engineering drawings, AA screening report, planning report and statement of consistency, Ecological Impact Assessment, Daylight Report, Overshadowing Assessment, engineering services planning report,

building life cycle report, preliminary construction waste management plan, letter of consent from landowner, Design Statement Report, Irish Water pre-connection enquiry, Part V plans and costs, Landscaping Layout and schedule.

I have reviewed and considered all of the above mentioned documents and drawings.

Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 1 March 2019.

The planning authority's 'opinion' included the following matters: planning history; zoning, policy to do with outer suburb locations, N6 route corridor, plot ratio, density, residential amenity, landscape/play areas and ongoing maintenance, transportation and site specific roads and access comments.

The planning authority conclude that the development is welcomed and is compatible with the zoning and policy context for the area. There is a minor clarification necessary with regard to plot ratio and floor area assessments. Some further work on the details of finishes and recreational facilities would be beneficial. Some house types do not achieve the full separation distances outlined in the Development Plan.

Submission from Irish Water

A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections.

The Consultation Meeting

A section 5 Consultation meeting took place at the offices of Galway City Council on the 15 March 2019, commencing at 11.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Road Improvements
2. Pedestrian connectivity
3. Site Interface
4. Visual Impact
5. Any other matters

In relation to road improvements, ABP representatives sought further elaboration/discussion on the impact and influence on the site of the N6 Galway City Ring Road route corridor and any proposed upgrades to the local road network. In addition, information concerning the emerging housing areas to the north of the site and any new pedestrian and cyclist infrastructure that may result from those developments was discussed. It was concluded that any proposed, permitted or under construction improvements to the local road network should be shown on any drawings submitted as part of an application.

In relation to pedestrian connectivity, ABP representatives sought further elaboration/discussion on the how the site connects in to the wider residential areas, existing and zoned for residential purposes. In particular, discussion focused on the existing pedestrian facilities in the vicinity and how these would be integrated and accessed. The cycling strategy through and off the site was touched on and how management strategies could encourage more sustainable forms of transport.

In relation to the site interface, ABP representatives sought further elaboration/discussion around the way the site plugs in to the receiving environment. The interface with the Letteragh Road provides passive supervision and pedestrian facilities. However, the interface with the existing country laneway to the north is less clear. Specific attention was directed on how this laneway could change in the future and that the building interface and provision of pedestrian facilities is as important here as it is on the Letteragh Road.

In relation to visual impacts, ABP representatives sought further elaboration/discussion around the proximity of any protected views as detailed in the City Development Plan. Given, the topography of the site a greater level of detail in

relation to open spaces and slope would be helpful. The visualisations of the development should illustrate how the proposed development would integrate with its surroundings, in terms of landscape design and boundary treatment.

In relation to the other matters, ABP representatives highlighted the importance of accuracy in terms of making reference to Council documentation. Issues to do with the trunk watermain on the site were raised by the planning authority and greater clarity in terms of access of machinery was urged.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 303623' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Interface

Further consideration of the documents as they relate to the layout of the proposed development particularly the relationship to the Letteragh Road and the existing rural laneway to the north of the site. Layout, contiguous elevations and section drawings should detail the relationship between the buildings and the public realm, existing and proposed. In particular, drawings should show the full suite of facilities that

would be expected in any urban context; such as but not limited to; footpaths, landscaped margins, appropriate boundary treatments and the provision of passive supervision of these new public spaces. Any development that integrates with the public realm either existing or modified should accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') and the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A layout drawing at an appropriate scale that details permitted development in the vicinity and specifically any road and footpath improvements, if any, and how they will integrate with the development as proposed. Specific reference should be made to the configuration and alignment of the local road network to the immediate north of the subject site along the Letteragh Road as far as the location of the housing estate currently under construction.
2. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through and off the site.
3. Details as they relate to water services infrastructure that traverse the site, including but not restricted to the opportunities for maintenance access purposes and any other reasonable requirements detailed by the relevant authorities, such as Irish Water.

4. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
5. Proposals for the taking-in-charge of the development, if applicable.
6. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.
7. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development.
8. A construction and demolition waste management plan.
9. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. The Galway County and City Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Stephen Rhys Thomas
Planning Inspector

3 April 2019