



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303722-19

Strategic Housing Development	238 units, consisting of 113 houses and 125 apartments, a creche and 2 shops
Location	Ballymoneen Road, Ballyburke, Galway
Planning Authority	Galway City Council
Prospective Applicant	O'Malley Construction Company
Date of Consultation Meeting	29 th March 2019
Date of Site Inspection	23 rd March 2019
Inspector	Stephen J. O'Sullivan

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

2.1. The site has a stated area of 5.96ha. It lies on the periphery of Galway c4.5km north-west of the city centre on the eastern side of the Ballymoneen Road. A detached house stands in its south-western corner. The site is otherwise under rough pasture. Two detached houses stand across the road from the site. Suburban housing extends to a point c70m south of the site on the same side of the Ballymoneen Road, and to a point on the other side of the road opposite the southern boundary of the site. The western boundary of the site adjoins other housing that is accessed from the Clybaun Road, mostly along the side or rear of the curtilages of houses, although the southern end of the western site boundary adjoins open space and the end of an estate road.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 238 homes, consisting of 113 houses and 125 apartments. The housing mix is as follows –

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-		23	90	-	113
Apts/Duplex	20	90	15	-	-	125
Total	20	90	38	90	-	238

3.2. It is also proposed to provide a creche of 259m² and two shops with a combined floor area of 358m². There would be a single access from the Ballymoneen Road. The shops would be in a four storey building beside that entrance with apartment above. The creche would be in a detached building beside the shops. The rest of the apartments would be in 5 four-storey buildings near the southern and northern boundaries, and one other 3-storey building with duplexes. The houses would be mostly semi-detached with some short terraces. There would be 2 main types, Type A with a deep floor plan and type B with a shallow one.

4.0 Planning History

- 4.1. PL61. 232115, Reg. Ref. Nos. 08/32 and 14/54 – Permission was granted for 360 homes and commercial development on a site that includes the current site. Its duration was extended to 18th July 2019.
- 4.2. Reg. Ref. LA3/2018 – A Part 8 consent was granted for 78 houses on the adjoining site to the south in 2018.

5.0 Policy

5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 2a is a target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of

communities. Objective 33 is the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

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

The SAC at Galway Bay Complex sitecode 000268 lies c1.7km south of the site.

The Inner Galway Bay SPA sitecode 004031 lies c1.8km to its south.

5.2. Local Policy

The Galway City Development Plan 2017-2023 applies. The site is zoned R for residential. There are specific objectives to provide a local centre at Ballymoneen and a Greenway along the eastern side of the site. The reservation for the city ring road runs immediately north of the site. The eastern end of the southern site boundary adjoins land zoned for recreation and amenity.

6.0 Forming of the Opinion

6.1. Documentation Submitted

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report and Statement of Consistency
- An Design Statement
- An AA Screening Report

- An Ecological Impact Assessment
- A Landscape Report
- A Traffic and Transport Assessment
- A Statement of Consistency with DMURS
- A Report on Civil Works

6.2. **Statement of consistency**

The statement describes the net density of the proposed development as 41.6dph excluding the “distributor road” from the net site area. It states that 8,950m² of open space would be provided on the site which would meet the standard of 15% in the development plan, while 428 car parking spaces would be provided. 24 of the apartments would be provided under Part V. The area of the site and the amount of development is below the threshold for EIA. The site does not contain archaeological monuments or protected structure, although there is a redundant entry on the RMP. An ecological assessment concluded that the development would not result in the loss of habitats or species of significance. There are no other characteristics of the site or the development that would render it likely that the proposed development would have significant effects on the environment that would require EIA.

The proposed development takes due account of the plans for the bypass road along its northern boundary and the greenway along its eastern side, as well as the open space zoning to the south. The proposed use complies with the zoning of the site. Its plot ratio complies with the requirements of the development plan, as does its provision of 15% open space. The density of 41 dph complies with the range of 35-50 for outer suburban greenfield site recommended in the 2009 urban residential guidelines. Houses would overlook the boreen which would be improved to a greenway under the development plan, although the boreen itself is not in the applicant’s ownership. The layout and roads specifications are in line with DMURS. The access point from the Ballymoneen Road is determined by the need to be 90m from the proposed junction on the ring road. The TTIA submitted by the prospective applicant recommends a crossing point on the Ballymoneen Road to link with the existing footpath. The 428 car parking spaces would be in line with the standards of the development plan. On street parking is proposed for the apartments, while the

houses would have parking on the curtilages. A childcare facility with 69 spaces would be provided for in accordance with the childcare guidelines. A schools capacity assessment has been submitted.

Irish Water have stated that the proposed development can be connected to its networks. There are no watercourses on the site. Stormwater runoff would be to a soakaways with cellular storage units.

6.3. Planning Authority Submission

The submission states that the principle of the development is established by the zoning of the site and the previous grant of permission for housing on it. The main change since that grant is the reservation for the by pass road. The proposed development accords with the general policies in the development plan for housing in the outer suburbs. The site is 1.5km from the SAC at Lough Corrib, but screening for AA is not required having regard to the distance and the pathway assessment. The site itself is not of ecological interest. The plot ratio of 0.46 is acceptable. The proposed density is 40dph. The design and layout has regard to discussions with the council, with a central open space, a setback from the by pass road, frontage onto Ballymoneen Road, passive surveillance of the greenway to the east of the site, a local centre at the south-west of the site and apartment blocks overlooking the RA zoned lands to the south. The apartments exceed the standards of the 2018 guidelines. Their design and location is acceptable. The design of the houses is acceptable. The open space, including those behind the apartment blocks, are acceptable. Additional details are required of the surfacing and landscaping of the greenway. The Transportation Department have reported that the by-pass project would involve upgrading c130m of the Ballymoneen Road and a signalised at-grade junction, and that the proposal is generally satisfactory from its viewpoint but additional details are required. The Drainage Section has advised that there are no objections in relation to surface water drainage. The consultants employed by TII have advised that there is no conflict with the by-pass road project. The council conclude that the proposed is compatible with the development plan subject to clarification regarding landscaping and public realm treatment, off site attenuation independent of the by pass project, material and finishes, and other issues.

6.4. Other submissions

Irish Water stated that it has issued an confirmation of feasibility for the connection of 238 units on the site to its networks without specific requirements.

6.5. The Consultation Meeting

A section 5 consultation meeting took place at the offices of Galway City Council at 1100 on Friday, 29th March 2019 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The implications for the proposed development of the Galway By-pass Road Project, and the planning history of the site and adjoining land
- ii. Compliance with the provisions of the development plan and national guidelines
- iii. Design Strategy, including issues relating to layout, density, building height and design, amenity for future occupants including open space, and the potential impact on neighbouring land and its development
- iv. Access and parking
- v. Drainage and water supply
- vi. Any other issues

With regard to item i) the planning authority referred to the extant permission on the site that will expire on 18th July 2019. The permitted scheme would be severed by the proposed by pass road. There was another application on the site in 2017 that was withdrawn after discussions with the applicant. The submitted drawings accurately show the council housing to the south authorised under LA3/2018. The planning authority confirmed that the county council was the applicant for permission for the bypass road, which would be a single carriageway road in the vicinity of the site with a junction at grade on the Ballymoneen Road. The prospective applicant stated that it had been in discussions with the engineers employed by the county council in connection with the planned by pass road and had complied with their

requests in relation to the corridor needed for that project and drainage outside it. The red line had been agreed between them. The proposed development and its drainage can be implemented whether or not the by-pass road is built. Some of the land just outside the north-western corner of the proposed site is likely to be returned to the prospective applicant's control at the completion of the bypass project. The proposed layout would facilitate its incorporation into open space serving the housing if and when that land became available.

With regard to item ii) the prospective applicant and the planning authority stated that they were confident that the proposed development would comply with all relevant guidelines and policies. The planning authority stated that a proportion of the land zoned open space to the south of the site was in its ownership and that the provision of a park there was a medium term project.

With regard to item iii) the prospective applicant stated that the context of the site is set by the proposed bypass and greenlink to the north and east, as well as the housing authorised under Part 8 to the south and the zoning for open space beside it. The access point has to achieve a separation distance from the junction of the bypass road and the Ballymoneen Road. The proposal was designed to provide proper frontage to the Ballymoneen Road and the proposed greenway along the east of the site, and also towards the planned open space to the south, with higher buildings in the appropriate positions on the site. The land required for attenuation of runoff from the bypass would be properly overlooked by apartments. The scheme achieves permeability and would facilitate access to the open space to the south of the site. A central open space on the site would provide residents with amenity. The orientation and access arrangements for the houses along the east of the site would integrate with the greenlink. The planning authority stated that it was generally satisfied with the proposal which reflected the discussion it had with the prospective applicant following the withdrawal of the last application. Some further details should be provided regarding design details and boundary treatments. The retention of a large proportion of existing boundaries would be desirable. There should be planting to break up rows of car parking every 6 spaces. Consideration should be given to a shared surface between the shop and the creche. The board's representatives stated that the apartments should be finished in high quality materials that would facilitate maintenance over the long term. Clarity is needed on the treatment of the

boundary towards the open space to the south. The prospective applicant indicated railings were likely.

With regard to item iv) the prospective applicant clarified the submitted table and stated that 1 car parking space would be provided per apartment with a visitor space for every 3. Coloured bitmac would be used as a distinctive road surface at parking locations such as the access to the greenway. The planning authority referred to details regarding access and compliance with DMURS as set out in its submission. Details should be submitted on cycle parking which should be secure and covered. The TIA should address mitigation measures with particular reference to the junction with the Ragoon Road. This may raise issues for other developments and a financial contribution may be appropriate. The board's representatives stated that the parties' position on any special contribution needs to be clear in the documentation submitted as there is limited scope for the matter to be clarified in the course of an application.

With regard to item v) the proposed applicant stated that it has had discussions with Irish Water. The layout of drains under the bypass road had been agreed with the county council's engineers. The planning authority stated that it had no issues to raise under this heading.

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 applicant, 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to 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:

constitutes 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

The Board 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 **constitutes a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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. Galway County Council

2. Transport Infrastructure Ireland
3. National Transport Authority
4. Irish Water

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Records of consultation with Galway County Council and its agents regarding the compatibility of the proposed development with the planned N6 City Ring Road.
2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
3. A report demonstrating compliance with the applicable standards set out in DMURS and the National Cycle Manual in relation to the proposed development.
4. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner.
5. A plan showing areas which would be taken in charge by the local authority on completion of the proposed development.
6. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.

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 J. O'Sullivan

Planning Inspector,

10th April 2019