



An  
Bord  
Pleanála

## Inspector's Report ABP304050-19

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<b>Development</b>	The construction of 74 dwellinghouses.
<b>Location</b>	Castlegar, Galway City.
<b>Planning Authority</b>	Galway City Council.
<b>Planning Authority Reg. Ref.</b>	18/275.
<b>Applicant</b>	Altitude Distributions Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party -v- Refusal.
<b>Appellant</b>	Altitude Distributions Limited.
<b>Observers</b>	<ol style="list-style-type: none"><li>1. Castlegar Residents Association.</li><li>2. Caiseal Geal Teach Altranáis.</li><li>3. John Ryan.</li></ol>
<b>Date of Site Inspection</b>	11 <sup>th</sup> June, 2019.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP304050-19 relates to a first party appeal against Galway City Council's decision to refuse planning permission for the construction of 74 dwellings in the north-eastern environs of the city. Galway City Council issued notification to refuse planning permission for six reasons. The six reasons primarily related to issues concerning urban design and poor housing layout. It was also considered that the proposal incorporated too low a density for the site in question.

## 2.0 Site Location and Description

- 2.1. The proposed development is located on agricultural land located approximately 3½ kilometres north east of the centre of Galway City. The site is located at School Road in the townland of Castlegar to the immediate west of the N17 National Primary Route (Galway to Sligo Road). The School Road is a relatively narrow rural road lacking footpaths and public lighting along its alignment. Notwithstanding this, the road accommodates largescale ribbon development particularly along the western side of the road (opposite the subject site). The road also provides access to a nursing home and school located further north of the subject site. Both the school and the nursing home are located on the eastern side of the road, the nursing home is approximately 200m north of the subject site. The appeal site is located approximately 300 metres from the Tuam Road (N17 to the south). The North Point Business Park located near the junction of the School Road and the N17.
- 2.2. The site and its surroundings are characterised by agricultural land interspersed with the encroachment of urban development.
- 2.3. The subject site comprises of two fields which are currently under grass. The more westerly field incorporates a road frontage of approximately 75 metres onto the School Road. The site has a depth of just less than 300 metres. The rear boundary of the site backs onto an existing farm holding with direct access onto the N17 to the south. An overhead powerline runs northwards, diagonally through the field to the rear of the site. The contiguous lands surrounding the site are all presently in

agricultural use. However, it is clear from the advertising signs erected on site that the lands in question are for sale and are zoned for residential development.

- 2.4. The site has an overall site area of 21,886 square metres (c.2.19 hectares (5.4 acres)).

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the construction of 74 dwellings on the subject site. The original layout submitted to Galway City Council on 23<sup>rd</sup> August, 2018 was slightly amended by further information submitted to Galway City Council on 17<sup>th</sup> January, 2019. The latter scheme is described below.
- 3.2. The overall layout centres around a single internal access road which is centrally located within the site and runs the entire length of the site from School Road to the rear of the site. At the entrance of the site 8 dwellings face south-westwards onto the School Road onto two areas of open space located on either side of the proposed entrance to the housing estate. The remainder of the layout is characterised by housing fronting onto the internal access road. There are a number of short cul-de-sac roads serving 4-6 houses which branch off the main internal access road. Two large areas of open space are located to the rear of the site below the overhead powerlines which traverse the site. The total amount of open space provided according to the drawings submitted amount to 3,750 square metres equating to approximately 17.1% of the entire site.
- 3.3. A range of house types are proposed ranging from two to four bedrooms in size. The vast majority of houses provided comprise of three-bedroomed semi-detached and terraced dwellings (House Type A1, A2, A3, B1, B2, B3, C and E1, E2 and E3). A total of 57 of the 74 units proposed are three-bedroomed dwellings. 2 no. four-bedroomed dwellings are proposed in the form of semi-detached units to the rear of the site (House Nos. 70 to 71). Also, number of two-bedroomed duplex dwellings (ground floor apartments) are proposed as part of the three-storey terrace units located to the rear/northern end of the site. A total of 14 duplex type units are proposed.
- 3.4. The floor areas of the unit range from 79.5 sq. m. in the case of the two-bedroomed units to 140 sq. m. in the case of the 2 four-bedroomed units. The dwellings

accommodate 2 off-street car parking spaces to the front for the units and incorporate rear gardens generally of 11 metres in depth. The rear gardens are somewhat more modest in the case of the duplex units to the rear, ranging from 5 to 7 metres in depth whereas the larger units along the north-eastern boundary of the site incorporate more generous rear garden depths of between 11 and 20 metres.

- 3.5. The two largest areas of public open space are located in the northern part of the site beneath the existing powerlines and comprise of two separate areas which are separated by the internal cul-de-sac access road serving House Nos. 67 to 74. These areas of open space amount to c.2,700 square metres. Smaller pockets of open space are located adjacent to House No. 12 and also at the entrance to the proposed housing development. One of the areas of open space to the rear adjacent to House No. 74 also includes a kid's playground.

## 4.0 Planning Authority's Decision

### 4.1. Decision

- 4.1.1. Galway City Council issued notification to refuse planning permission for six separate reasons each of which are laid out in full below:
- 1. The proposed development is located on a large residentially zoned and serviced site which by virtue of scale, location and context would allow for a residential development of a sustainable density, mix of unit types, good urban design and character with an appropriate level and functionality of open space and priority for sustainable movements linked with and exploiting the benefits of the prevailing development context. The proposed development fails in nature, design and layout to respond to this context by virtue of poor layout, uniformity in unit design and unsatisfactorily address to the public realm and missed opportunities for a sustainable level of density, unit mix and permeability. This would be in conflict with the Galway City Council Development Plan 2017-2023 policies particularly those set out in Chapters 2, 8 and 11 and associated Ministerial Guidelines.*
  - 2. The site is located on residentially zoned land, fully serviced lands where no particular constraints apply, on such land it is policy of Galway City*

*Development Plan 2017-2023 as indicated in Section 2.5 to “encourage higher residential densities at appropriate locations”, while the Ministerial Guidelines “Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities” dated March, 2018 and Sustainable Residential Development in Urban Areas” 2009, require the provision of a sustainable high density, high quality of residential housing development/unit delivery per hectare. If permitted, the proposed development would not be in accordance and contrary to the above outlined Galway City Development Plan 2017-2023 or the Ministerial Guidelines and would represent an unsustainable density units per hectare and an inefficient use of residentially zoned serviced lands within the city boundaries which would be contrary to the sustainable development of the area.*

- 3. The extensive linear section of internal roadway, the unrelenting lines of dwellings and car parking areas, result in a housing layout defined by a single internal distributor road, where the provision of open spaces and their interface with the public realm, in addition to pedestrian and cycle movements, are all subservient to the primacy of the car within the movement hierarchy of this development. If permitted, the proposed layout would be injurious to the residential amenities of residents, would be contrary to the requirements of the Galway City Development Plan 2017-2023, Chapters 2, 8 and 11 and the sustainable development of the area.*
- 4. It is the policy of the development plan to protect and enhance the urban design quality of existing areas, in this case the design of the proposed buildings, in particular the design of the duplex units, the proposed flat roofs, the poor animation of the street frontage, the lack of interaction with the public realm, poor design of gables facing to internal roads and lack of variation in the overall building design, is such that it has a poor contextual reference to contemporary residential developments within Galway City, rendering the proposal an unsatisfactory solution to the development of this site and would therefore be contrary to the Galway City Development Plan 2017-2023. Requirements particularly in Section 8.7 and the Ministerial Guidelines of 2009 “Sustainable Residential Development in Urban Areas”, Section 3.11 which states that “high standards of design should be encouraged by*

*Planning Authorities; a proposed development which barely meets the minimum standards should not be accepted” and contrary to the proper planning and sustainable development of the area.*

5. *The development proposed contravenes the Galway City Development Plan 2017-2023 standards relating to the prevention of overlooking of adjacent lands with development potential and private open space as a proportion of the proposed duplex units fail to meet the outline standards/requirements and, if permitted, would detract and be injurious from the residential amenities of adjacent proposed properties.*
6. *The proposed development as proposed relies upon works outside the applicant’s control for traffic access/exit to the site, in particular: the upgrading of the adjacent roadway in order to achieve adequate sightlines; and the provision of sightlines which cross adjacent lands not in control of the applicant. As these elements are not in control of the applicant the proposed development, if permitted would be premature and generate a traffic hazard.*

#### **4.2. Documentation Submitted with the Planning Application**

- 4.2.1. The planning application was lodged on 23<sup>rd</sup> August, 2018.
- 4.2.2. A **planning application cover report** was prepared by McCarthy, Keville, O’Sullivan Consultants. This report sets out the proposed scheme together with the site location and description and also sets out the planning policy framework relating to the proposal. Reference is made to the National Planning Framework, the Sustainable Residential Development Guidelines of 2009, Design Standards for New Apartments and the Galway City Development Plan. The cover report also assesses the proposed development in terms of
  - design,
  - development management standards,
  - Part V of the Planning Act,
  - water and foul services, ecology,
  - traffic and transport,

- flooding and
- historical heritage.

In terms of Part V the applicant proposes to transfer 7 units from the proposed development to Galway City Council.

- 4.2.3. In terms of water and foul sewage services it is proposed to discharge to surface water run-off from the development by gravity via a new dedicated 225-millimetre diameter surface water sewer to the existing surface water sewer on the School Road. Likewise, it is proposed to discharge foul water effluent from the proposed development by gravity via a single point of connection to the existing 225 millimetre foul sewer on School Road. The report concludes that the proposed development is in accordance with the proper planning and sustainable development of the area.
- 4.2.4. **An AA Screening Report** was also submitted, this report identifies all the Natura 2000 sites within a 15 kilometre radius of the subject site. A total of 8 sites were identified (see Figure 3.1 and 3.2 of report). The closest identified sites are Lough Corrib SAC and Galway Bay Complex SAC which are located 1.6 and 2 kilometres away from the subject site respectively. The report concludes that no complete impact source-pathway-receptor chain was identified between the proposed development and any Natura 2000 sites. The report concludes that there is no requirement for appropriate assessment.
- 4.2.5. Also submitted are a series of concept images incorporating 3D depictions and photomontages as to what the proposal would look like.
- 4.2.6. A **design statement** was also submitted and prepared by Vincent Hannon Architects. It sets out details of the site context and assesses the proposal in terms of the criteria set out in the Urban Design Manual (2009).
- 4.2.7. An **ecological impact assessment** was also submitted as part of the proposed development. It notes that the proposed housing development is to be accommodated on agricultural grassland habitat which is considered to be of low ecological importance. It is stated that the established hedgerows along the northern boundary of the site will be retained as these are of biodiversity value. There are no significant habitats or bird species on the site. It is stated that potential negative effects on badger and bat species have been mitigated through a design-led process and the residual impacts are assessed as being not significant. It is concluded



therefore that the proposed development will not result in the loss of habitats or species of high ecological significance and will not have any significant impacts on the ecology of the wider area.

- 4.2.8. Also submitted with the application is a **Traffic and Transport Assessment**. It sets out details of the receiving environment of the proposed development. Section 4 of the report sets out details of the trip generation and distribution. It anticipates during the am peak that there will be a total of 32 two-way trips generated from the proposed development. The anticipated pm peak trips are estimated to be 36 two-way trips. It is estimated that the proposal will generate an additional 5 - 7% over and above existing traffic levels on school road. On the basis that the percentage change in traffic volumes using the School Road or Tuam Road Junction does not exceed the 10% threshold, it is not considered necessary to undertake any further assessment or junction capacity assessments of the junctions in the study area.
- 4.2.9. The report also sets out details of mobility management and sets out a number of initiatives that could be incorporated in order to reduce private car trip generation. Finally, the report sets out details of proposed construction management plan to take place on site.
- 4.2.10. An **Infrastructure Report** was also submitted. It sets out details of proposed surface water drainage arrangements, foul water drainage arrangements and water supply associated with the development.

### 4.3. **Unsolicited Information**

- 4.3.1. Further unsolicited additional information was submitted on 27<sup>th</sup> August, 2018. This unsolicited further information contained:
- Additional architectural drawings/3D visualisation drawings submitted by Vincent Hannon and Associates Architects.
  - A separate letter was submitted from ESB International stating that there is no objection to the proposed works to be carried out in proximity to the 110kV transmission line which traverses the site.

#### 4.4. Planning Authority Request for Additional information

4.4.1. The initial planner's report expresses a number of concerns in relation to the proposed layout and low density of the development. Concerns are also expressed in relation to the communal open space provision including the provision of a children's playground beneath the powerlines and the potential for overlooking arising from the layout. Concerns were also expressed in relation to the boundary treatment proposed. On foot of this additional information was requested in relation to the following issues:

- Proposals to increase the density of the proposed development.
- Further details in relation to access arrangements and the proposed entrance/exit to the site.
- Further information demonstrating that the applicant has sufficient legal interest to prepare and lodge an application on the lands in question.
- Further details that the development complies with all requirements from ESB.
- Please submit a revised layout which includes full vehicular and pedestrian access connection points to adjacent lands.
- Please amend the proposed development to ensure full compliance with National Guidelines regarding Residential Development in Urban Areas (2009) and Sustainable Urban Housing Design Guidelines for New Apartments (2018).
- Specific concerns are expressed regarding the overall design and layout including:
  - a) The linear nature of the main access road.
  - b) Blank gables of dwellings/duplexes facing onto roads and open areas.
  - c) Unsupervised communal open space beneath the 110kV powerline.
  - d) Further details in relation to the finishes for car parking spaces.
  - e) Further details with regard to the usability and functionality of private open space.

- f) Further details in relation to finished floor levels, building heights, existing boundary walls etc.
- g) Further details addressing the problem of potential overlooking of adjoining lands.
- h) Further details regarding separation distances between side gables and side boundaries of detached and semi-detached dwellings.
- Submit revised proposal whereby the surplus of car parking would exceed 10% of the overall requirements for spaces.
- Further details with regard to cycle parking.

#### **4.5. Further Information Response**

4.5.1. A response was submitted on behalf of the applicant by McCarthy Keville O'Sullivan Planning and Environmental Consultants was received on 17<sup>th</sup> January 2019. It is briefly summarised below:

- Regarding density, it is stated that the proposed development has a density of 35 units per hectare which is appropriate given the location of the application site as an outer suburb of Galway City. It is noted furthermore that in order to facilitate appropriate ESB buffer distances, it has been necessary to keep c.4,600 sq. m. (0.46 ha) of residentially zoned area free from development.
- Drawings are enclosed of the proposed access arrangements which illustrate that the proposed sightlines for the development comply with the requirements of the development plan.
- Also enclosed is a letter from the applicant's solicitors, stating that the applicant is the beneficial owners of the application site and therefore have sufficient legal interest to prepare and lodge such an application.
- Furthermore, it is stated that a letter was submitted (see unsolicited additional information dated 27<sup>th</sup> August, 2018) which includes a letter confirming that ESB were consulted during the design process and had not objection to the proposed development.

- A revised drawing was submitted identifying locations of potential vehicular and pedestrian access connection points to adjoining residentially zoned lands.
- Regarding the overall layout, it is stated that the proposed development reflects a typical urban streetscape on a narrow site that does not lend itself to an alternative layout without significantly eroding the density achievable. Notwithstanding this point, a slightly revised site layout drawing was submitted to address the Planning Authority's concerns.
- Regarding the issue of blank gables, it is stated that dwellings have been designed specifically as dual aspect units with not only windows overlooking the public areas for passive surveillance, but also front door entrances on the majority of these gable elevations to provide active frontages.
- The layout design has also addressed the Planning Authority's concerns in relation to the communal open space provided.
- Further details are submitted illustrating how all floor areas of the duplex/apartments comply with the Sustainable Urban Housing Design Standards for New Apartments.
- Details of the proposed finishes for the parking spaces are also indicated on drawings submitted.
- Regarding the functionality and usability of communal open spaces, it is stated that the site layout has been designed to maximise the number of units with southern or western faced private open spaces. However, due to site restrictions, it is simply not possible to eliminate units with northern or north-eastern facing private open spaces. The duplex block at the northern end of the site has been revised to re-orientate the living areas to the front.
- Sectional drawings have been submitted showing longitudinal sections through the proposed blocks as requested.
- Details of boundaries have been submitted addressing the Planning Authority's concerns in relation to boundaries between dwellings. The applicant argues a timber fence would be more visually attractive than a concrete block wall.

- Regarding communal open space beneath the powerline, it is stated that the principle of locating communal open space areas beneath the powerlines was established and agreed at a pre-planning meeting which took place with the Council. However, the location of the playground and associated climbing equipment has been relocated from underneath the powerline. Regarding the functionality of communal open space, it is stated that the communal open space is a fully integrated overlooked and designed as part of the housing layout.
- A low hedge planting shrub is proposed to the base of the pylon structures to reduce the visual impact of the structure and to ensure that access to the structures is secured.
- A revised landscaping layout has also been submitted detailing the specification of the playground equipment proposed.
- Regarding the overlooking of private open space, it is stated that in the case of three-storey units and units where an attic can be converted into a third storey, rear garden depths in excess of 11 metres of private open space has been provided.
- Regarding unit separation distance, it is stated that a minimum of 1.5 metres distance between side boundary and side gables has been provided in all instances.
- Regarding car parking provision, it is stated that the design team have recalculated the car parking provision and reduced the number of car parking spaces by 16.
- The location of bicycle parking proposed is intended to be convenient to the perceived greatest need for communal bicycle parking i.e. adjacent to the duplex units and terraced units and the proposed locations have been revised to take on board the comments set out in the further information request.

4.5.2. A number of appendices are attached to the response including:

- Appendix 1 – a response by Aecom Engineering Consultants in respect of the proposed sightlines at the entrance.

- Appendix 2 contains a letter from a solicitor stating that the applicants are the beneficial owners of the lands in question.
- Appendix 3 – correspondence from Daniel King ESB Asset Management Services.

#### 4.6. **Further Assessment by Planning Authority**

4.6.1. A further planner's report outlines and assesses the further information submitted and considers that the response to the additional information request fails to significantly address all the issues raised by the Planning Authority and as a result Galway City Council have serious reservations with regard to the proposed development specifically in relation to:

4.7. Plot ratio and density and the development layout including internal roads and building design and it is therefore considered on foot of these unresolved issues that planning permission should be refused for the proposed development.

4.7.1. In its decision dated 27<sup>th</sup> February, 2019 Galway City Council issued notification to refuse planning permission for the six reasons referred to above.

### 5.0 **Planning History**

There appears to be no planning history associated with the subject site.

### 6.0 **Grounds of Appeal**

6.1. The decision of Galway City Council was the subject of a first party appeal on behalf of the applicants by McCarthy Keville O'Sullivan. The grounds of appeal are outlined below.

6.1.1. In relation to the first reason for refusal, it is argued that the most suitable layout, design, density levels and unit mix have been incorporated into the proposed scheme.

6.1.2. The applicants considered several options with regard to layout but having regard to the narrow constraints of the site, and the need to place the access road centrally within the site in order to achieve requisite sightlines, the site layout is somewhat

dictated by the inherent site constraints and it is suggested that the layout proposed is the most appropriate and sustainable solution for this site. The fact that a power line traverses the site also restrains the layout.

- 6.1.3. It is also argued that there are multiple unit types proposed for this development, 16 in total. It is considered that the range of units proposed is appropriate for the site location.
- 6.1.4. In terms of public open space, it is stated that all open space as provided is overlooked and functional.
- 6.1.5. Drawing No. 170906-03-012C identifies locations of potential vehicular and pedestrian access connection points with adjoining residentially zoned lands.
- 6.1.6. With regard to refusal reason no. 2, which relates to residential density, it is noted that Castlegar is identified as an outer suburb of Galway City in the Galway City Development Plan. The density proposed in this instance is 34 units per hectare, which is appropriate given the location of the application site and can be considered to be within the general range of 35 to 50 dwellings per hectare as recommended in the Sustainable Residential Development Guidelines in Urban Areas.
- 6.1.7. While the planner's report refers to the Design Standards for New Apartments (2018), these standards are not applicable as the proposed development does not constitute an apartment development. If one takes into consideration the sterilisation of land required beneath the overhead powerlines, the proposal would equate to a density of 43 units per hectare.
- 6.1.8. In relation to the third reason for refusal, which essentially relates to the design and layout of the development, it is stated that the proposed layout and design is the most appropriate given the constraints of the site which have been articulated previously in the grounds of appeal. It is reiterated that the shape of the site together with the powerline which traverses the site offers significant constraints to the layout that can be achieved.
- 6.1.9. With regard to refusal reason no. 4, which makes reference to the project design and public realm issues, it is reiterated that the layout of the scheme is deemed to be the most appropriate given the existing constraints of the site. It is stated that the proposal reflects a typical urban streetscape on a site that does not lend itself to an alternative layout without significantly eroding the density achievable. The access

road is cambered so that the façades will present a constantly changing view as one moves through the site due to the curvature of the road. The appeal also notes that 16 different dwellings units are proposed as part of the design. The various types of units proposed are unified using materials such as nap plaster, stone cladding, slate roofs and some contemporary architectural detailing. The design and layout rationale is further elaborated upon in Appendix A of the submission, which was prepared by Vincent Hannon and Associates, architects for the scheme.

6.1.10. In relation to reason for refusal no. 5 which relates to the impact on adjacent land and properties, it is stated that the refusal reason does not identify the section of adjacent lands which are allegedly overlooked. It is noted that the adjoining lands to the north of Units Nos. 53 to 60 are zoned for agricultural use and are subject to CPO for the proposed Galway By-Pass Road Scheme. Notwithstanding this, setback distances in excess of 11 metres are proposed to the rear of these units at first floor level. A minimum of 11 metres is provided to the rear of all units directly overlooking private open space or land with development potential.

6.1.11. With regard to reason for refusal no. 6, it is stated that the sightlines proposed are achievable as per the DMURS Guidelines for both the existing road alignment and future road alignment scenarios. These are indicated in Drawing CSG-ACM-XX-00-DR-CE-01-0005 Revision 3. At no point does the visibility splay encroach lands outside the applicant's ownership or outside the public ownership. It is stated that the visibility splay to the centre of the carriageway is applicable given that there is a the constraint to overtaking on the School Road (i.e. continuous white line along the road). A further technical note prepared by Aecom Engineers is submitted as Appendix C to the grounds of appeal.

## 6.2. **Planning Authority Response to the Grounds of Appeal**

6.2.1. A response received on 24<sup>th</sup> April, 2019 states that the planning appraisal report adequately explained why the proposed development should be refused. It is acknowledged that the site has challenges by virtue of layout, topography and services infrastructure. However, the design resolution has not reflected the site challenges but suggests a more conventional unit delivery in a very formulated pattern that is detrimental to future residential amenity. It is suggested that the poor



design does not accord with Development Plan Policies or National Guidelines for qualitative residential development.

- 6.2.2. In relation to refusal no. 5, it is stated that notwithstanding the solicitor's letter submitted in response to the FI request, adequate clarity was not submitted that the applicant remains a 'legal entity' enabling them to make and continue to participate in the planning process. This is based on the company registration office records which suggest that the company 'Altitude Distributions' is dissolved as from the 17<sup>th</sup> October, 2018. This issue did not merit a clarification of further information as the recommendation was to refuse planning permission in any event.

## **7.0 Observations**

### **7.1. Observation from John Ryan, School Road, Castlegar.**

- 7.1.1. The observation expresses safety concerns about the condition and capacity of School Road. While the appeal appears only to concentrate on the sightlines issue at the junction of the proposed development, and not the safety and capacity issues with the road itself, it is noted that over the previous three and half decades traffic using this rural road has increased to city street levels. It is noted that the appeal is not proposing any improvement for road infrastructure and the traffic problems that currently exist will only increase as a result of traffic movements on the School Road. The engineers merely refer to the road widening scheme as part of the development plan but do not propose any measures to mitigate the existing traffic jams experienced.
- 7.1.2. School Road does not have any footpaths and existing pedestrian use of the road is extremely dangerous. The proposed development is based on the discouragement of car travel and will expose even more pedestrians to unacceptable traffic safety risks. It is considered that the proposed development is premature and should not proceed until the upgrading of School Road has taken place.

### **7.2. Observation from Caiseal Geal Teoranta**

The observation states that the organisation operates a 42-bed nursing home in close proximity to the subject site. The submission argues that the development does to comply with the drainage requirements of Galway City Development Plan on

the basis that the proposed development will be connected to the nursing home's private drain/sewer. The applicant however has not sought permission or agreement to connect to the private drain which, it is argued is in the sole ownership of the ownership of the nursing home. The observers have taken legal advice on this matter and can confirm that title to the private drain has not passed into the ownership of Irish Water. It was constructed by the observers in April and May 2016 and became operational in November 2016.

### **7.3. Observation from Castlegar Residents Association**

- 7.3.1. It is argued that the proposed development is premature notwithstanding the residential zoning relating to the site.
- 7.3.2. It is argued that the proposed development will give rise to significant road safety and traffic congestion issues. It is noted that School Road has no lane markings and is not sufficiently wide to permit the safe passing of two vehicles. Instead drivers must pull into the laybys created by local dwellings in order to facilitate passing vehicles. There is no dedicated facility for either cyclists or pedestrians along the route. Galway City Council currently have no plans to undertake road widening or infrastructural improvements on School Road. The road is currently used as a feeder road to the Parkmore Industrial Estate another industrial and business parks in the area. It is stated that currently during the morning rush hour there is a stationary queue of traffic from the nursing home to the Tuam Road.
- 7.3.3. Reference is made to the City Development Plan which notes the constraints on the road in question and states that any development of the lands in question will only be considered where appropriate traffic safety measures and compatibility with junction and road upgrade measures are ensured. The proposed development will represent an almost two-fold increase in the population of School Road. It is stated that there has been a large number of collisions in the vicinity of the proposed development.
- 7.3.4. Contrary to what is stated in the Traffic and Transport Assessment, it is stated that there are no bus services along School Road. The service referred to is a non-stop service and therefore is unavailable to residents of School Road.
- 7.3.5. Furthermore, the proposed mobility management measures fails to appreciate or acknowledge that the current high level of traffic using the School Road comprises non-local commuters. It is considered that the proposed access onto the School

Road is expressly contrary to the Galway City Development Plan. Furthermore, the absence of significant investment in local infrastructure will exacerbate and compound the existing traffic problems.

- 7.3.6. While it is acknowledged that the subject lands are zoned residential and there is a nationwide need for more housing, it is considered that any residential development must be undertaken in a co-ordinated and strategic manner. The observers object to the fragmentation of the lands into multiple individual developments which will require their own individual access onto local roadways. The city development plan acknowledges the need to engage with local residents in the Castlegar area in the interest of amenity, sustainability and public safety.

#### 7.4. Further Submissions

- 7.4.1. A submission was received on behalf of the applicant in response to the observation made by Cáiseal Geal Teach Altranaís. In response to this submission, it is confirmed that Irish Water have advised that a connection to the public sewer can be facilitated and details of this are attached. A letter from Irish Water regarding a pre-connection enquiry (dated 13<sup>th</sup> December, 2018) is attached.

### 8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Galway City Council Development Plan 2017-2023.
- 8.2. The subject site and the contiguous lands surrounding the site are zoned for residential development. The section of School Road along the road frontage of the site is also listed as a protected view and prospect. School Road is also designated as a road improvement scheme.
- 8.3. Land use zoning objective R seeks 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'*.
- 8.4. Specifically, in relation to the subject site and the zoned residential lands surrounding the subject site, the development plan states the following:
- Development will only be considered where it accords with strategic main drainage proposals.

- Limited access will be allowed onto the Tuam Road.
- No major access will be allowed onto the Castlegar Road.
- The layout of residential development shall protect the existing cemetery site (the south of the subject site).
- Development on these lands shall have regard to specific objectives for road junction improvements.
- Development in the north-east section of these lands shall be subject to a detailed flood risk assessment and shall include for flood mitigation measures if appropriate.
- Development shall be taken into consideration ecological sensitivities of the area in their design.

- 8.5. Section 11.3 of the development plan specifically relates to residential development. It states that in considering residential development proposals, Galway City Council shall have regard to the recommendations of the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (DECLG 2009). Apartment developments shall be assessed having regard to Sustainable Urban Housing Design Standards for New Apartments (DECLG 2015), Best Practice Urban Design Manual (DECLG 2010) with reference to the Design Manual for Urban Roads and Streets (DTTS and DECLG 2013), NTA Permeability in Existing Urban Areas, Best Practice Guide (2015) and Manual for Streets (DOT UK 2007).
- 8.6. Given the different character of residential neighbourhoods in the city, the standards are divided into (outer suburbs, established suburbs, inner city residential area, city centre residential areas).
- 8.7. The subject site is located in an area designated as outer suburbs. For residential development in the outer suburbs it is stated that planning applications for residential developments on sites of over 1 hectare in area shall include the design statement that demonstrates the relationship between the proposed development to the site context, adjoining developments, the achievement of a safe convenient movement within the site and how existing features are to be integrated into the development.

- Residential development shall be laid in such a way so as to maximise accessibility to local services, public transport and encourage walking and cycling.
- Pedestrian, cycle and vehicular movements shall be convenient and safe, into and out of, 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 development.
- Gated residential development shall be discouraged.
- Innovative layouts including courtyard development, shared open spaces and 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 development of 10 units or over shall normally provide a mix in type of residential units.
- Non-residential development shall be considered at appropriate locations on residentially zoned lands where it is of a scale that serves local need and where all other development management requirements are satisfied.
- In terms of communal open space communal, recreational and amenity spaces require that a rate of 15% of the gross floor site area.
- In terms of overlooking Section 11.3.1(d) states that residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum.

- In the case of developments exceeding two storeys in height, a greater distance than 11 metres may be required depending on the specific site characteristics.
- The distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5 metres.

## 8.8. National Planning Framework

- 8.8.1. A key strategic objective of the NPF is to secure compact and sustainable growth. In this regard the Plan states that “the preferred approach would be compact development and focusses on reusing previously developed “brownfield” land building up infill sites which may not have been built up before and reusing or redeveloping existing sites and buildings”.
- 8.8.2. National Policy Objective 3(a) seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 8.8.3. National Policy Objective 3(b) seeks to deliver at least half (50%) of all new homes that are targeted in five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford within their existing built-up footprints.
- 8.8.4. Section 6.6 of the NPF specifically relates to housing. Objective 32 seeks to target the delivery of 550,000 additional households by 2040.
- 8.8.5. Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to the location.
- 8.8.6. National Policy Objective 35 seeks to increase residential density in settlements to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, areas or site-based regeneration and increased building heights.

## 8.9. Sustainable Residential Development in Urban Areas (Cities, Towns and Villages – DoEHLG 2009)

- 8.9.1. In the case of outer suburban/greenfield sites, Section 5.11 of these guidelines state that these may be defined as open lands and the periphery of cities or larger towns whose development will require the provision of new infrastructure including roads, sewers, ancillary, social and commercial facilities etc. Studies have indicated that

while the land take of ancillary facilities remains relatively constant, the greatest deficiency in land uses on such lands will be achieved by providing a net residential density in the general range of 35 to 50 dwellings per hectare and as such, densities involving a variety of house types where possible, should be encouraged generally. Development and net densities of less than 30 dwellings per hectare should generally be discouraged in the interest of land deficiency, particularly in sites in excess of 0.5 hectares.

## 9.0 Planning Assessment

I have read the entire contents of the file, visited the site and its surrounding and have particular regard to the reasons for refusal contained in the Planning Authority's decision and the arguments set out in the grounds of appeal challenging the reasons for refusal. I have also had regard to the issues raised in the various observations on file. I note that although Galway City Council issued notification to refuse planning permission for six separate reasons many of the issues referred to are common to the various reasons cited. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Density Issues
- Housing Mix
- Layout and Design Considerations
- Overlooking of Adjoining Sites
- Access and Sightline Arrangements
- Other Issues

### 9.1. Density Issues

- 9.1.1. A number of references were made in the Planning Authority's reasons for refusal, primarily Reasons Nos. 1 and 2 which suggested that the proposed development does not incorporate a sufficiently high density and as such the proposal would result in an unsustainable use of land. Reference is made in the Galway City Development Plan 2017-2023 which seeks to promote higher residential densities in appropriate locations especially in conjunction with public transport facilities. The development

plan however does not specify density standards for the outer suburban areas of Galway City Council. The Sustainable Residential Development Guidelines for Rural Areas suggest that in the case of cities and larger towns state that the greatest efficiency in land usage on outer suburban/greenfield sites will be achieved by providing net residential densities in the general area of 35 to 50 dwellings per hectare. The gross density in this instance is calculated to be 34 units per hectare which is marginally below the minimum standards set out in the above Guidelines. However, the Board should note that a buffer zone is required to be kept free from development beneath the powerline and this results in a swathe of the site which cannot be developed for residential purposes. When this is taken into consideration the overall net density is calculated to be in the region of 40 units per hectare which is not unreasonable for an outer suburban greenfield site which is zoned residential. The fact that the site in question is not located close to high quality public transport links or local services such as neighbourhood shops etc. would also provide additional justification for permitting a density at the lower end of the standards set out in the Guidelines. For the above reasons I would consider that the density proposed in the current application might be considered acceptable and generally in accordance with the Guidelines and therefore does not in itself constitute reasonable grounds for refusal.

## 9.2. Housing Mix

- 9.2.1. The first reason for refusal issued by the Planning Authority makes reference to the mix of unit types and uniformity of unit design in the overall proposal. I would agree somewhat that there is an over prevalence of terraced and semi-detached three-bedroom dwellings. 2 no. four-bedroomed units are proposed and there are a number of duplex/apartment type units which are predominantly two-bedroomed. There is a mixture of two and three storey units on site of which the three-storey element located to the rear.
- 9.2.2. I consider the overall unit mix to be acceptable as it provides 16 different house types ranging from 1 to 3 storeys in height and from floor areas of c.80 square metres to 140 square metres in size. There is also a reasonable scattering of various house types throughout the scheme. There is no over predominance of one house type concentrated in one area of the site. On the whole therefore I consider the unit mix to be acceptable and appropriate.



### 9.3. **Layout and Design Considerations**

- 9.3.1. The first four reasons of refusal all make reference to the perceived poor layout, design and public realm associated with the proposed development. Specifically, the grounds for refusal make reference to missed opportunities to create more linkages and more permeability through the site and with surrounding lands. Concerns are also expressed regarding the poor levels of open space, the interface between the housing/open space and the public realm, the unrelenting lines of dwellings and the primacy of the car. While the reasons for refusal are somewhat overlapping and lack clarity and conciseness in terms of specific concerns, there can be no doubt that the Planning Authority have significant concerns regard the overall design approach and layout of the proposal.
- 9.3.2. The applicant in response to the grounds of appeal argues that the narrow site dimensions, the need to secure adequate sightlines at the entrance to the site and the development free buffer zone beneath the 110kV line from which all development is excluded, are all constraints that dictate and curtail design options relating to the site.
- 9.3.3. I consider that both the arguments put forward by the Planning Authority and the applicant have validity. There are undoubted shortcomings in the design and these shortcomings can be articulated under some of the criteria set out in the Urban Design Manual. The shortcomings in the context of the criteria set out in the manual are briefly assessed below:

**Context** – I do not consider that it can be reasonably argued that the proposal has evolved naturally as part of its surroundings and that the development in itself positively contributes to the character and identity of the neighbourhood in question. A more holistic approach to the overall residentially zoned lands may help in addressing this issue.

**Connections** – it cannot be argued that the development is located within or close to a mixed-use centre or provides attractive routes within the scheme for pedestrians and cyclists to access such facilities.

In terms of its **inclusivity**, the lack of public footpath along the access road linking the subject site to adjoining sites and to the Tuam Road is problematic in my opinion. The fact that the Design Statement submitted with the application which states that

*“in time it is hoped that this pedestrian route can be extended along the front of the adjoining sites as they become developed so that eventually it will link the development with the Tuam Road creating a pedestrian route into Galway City”* would not lead to any firm confidence and conclusion that connectiveness and inclusivity are central components in the design rationale.

In terms of **distinctiveness**, I would generally concur with the conclusions of the Planning Authority that the overall layout is dominated by a long linear internal access road running the length of the site which constitutes the most influential layout feature and works against an alienates the creation of a sense of place within the scheme. There is no discernible focal point within the scheme.

In terms of **layout** I would also agree with the Planning Authority that the design approach does not create a permeable inter-connected series of routes. It cannot be reasonably argued in my opinion, having regard to the dominance of the main linear distributor route, and the proliferation of car parking along this route that the streets are designed as ‘places’ as espoused in the Urban Design Manual as opposed to being merely conduits for cars. The linear nature of the internal distributor road assists rather than controls excessive traffic speed and does little to reduce the dominant role of the car within the layout.

In terms of the **public realm**, I am generally satisfied that there is an equitable distribution of open space within the scheme. The largest areas of open space are reasonably, in my view, located beneath the powerlines as this area has to be kept free from development. Having regard to the residential zoning objective, it is reasonable undevelopable land within the site be used as open space in order to achieve appropriate densities. I also consider that the areas of open space are appropriately overlooked with good levels of passive surveillance in accordance with the requirements of the Urban Design Manual. The open space in my view constitutes secure safe enjoyable public areas.

Likewise, I would consider that the houses in question are generally adaptable to cater for changing needs and that the privacy and amenity associated with the houses are generally acceptable.

- 9.3.4. With regard to the overall detailed design of the houses, I note that the decision of Galway City Council expresses concerns in relation to design of the duplex units.

The duplex units are located to the rear of the site and therefore are not readily visible from vantage points along the public road. Furthermore, the incorporation of three-storey duplex units is appropriate in terms of allowing the overall scheme to adapt to changing needs of occupants throughout the life of the scheme. The variations in external design in my view make a positive contribution to the overall scheme and do not constitute reasonable grounds for refusal.

- 9.3.5. On balance therefore, I consider that there are significant notable shortcomings associated with the overall layout much of which can be attributed to the inherent constraints of the site.
- 9.3.6. However, a key consideration in my opinion is the fact that the lands surrounding the subject site are currently free from development and are also zoned 'residential'. There is in my view ample scope to come up with a schematic overall masterplan which would allow greater scope and flexibility in the layout in order to overcome many of the perceived problems. It would in my view be prudent, practical and logical that any development on the subject site would be part of an overall schematic masterplan which would set out the road hierarchy, access points, connectivity and permeability and open space hierarchy within an overall schematic layout. It would be undoubtedly more desirable that the subject site be developed as part of a wider scheme for the lands in question and that any development of the subject site and surrounding sites would take place in the context of road improvements to be undertaken along the School Road.
- 9.3.7. It appears from the information contained on file, that there are no definitive proposals to upgrade the existing road network in the vicinity of the site and perhaps more importantly there appear to be no proposals to create pedestrian linkages and public lighting between the subject site and the Tuam Road c.350 metres to the south-east.
- 9.3.8. I would be more persuaded by the appellants' arguments with regard to the site constraints were the subject site located within a built-up area where existing surrounding development would be instrumental in dictating the layout of any proposed scheme. However, I reiterate that the lands surrounding the subject site are currently undeveloped and are zoned for development. It is therefore imperative in my opinion that an overall schematic masterplan be set out for the zoned lands in

order to ensure that incremental uncoordinated development does not take place on the overall lands in question. It would not be unreasonable in my opinion that the Board would refuse planning permission principally on the basis that the proposed development is deemed to be premature pending the provision of an overall scheme for the zoned lands in question.

#### **9.4. Overlooking of Adjoining Sites**

- 9.4.1. Section 11.3.1(d) of the development plan suggest that residential units should not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. It appears that the applicant has, on the whole, complied with this requirement in that the two-storey residential units on site incorporate rear gardens of 11 metres or more. The three-storey element duplex units which are located to the rear along the northern boundary of the subject site incorporate more modest gardens c.6 metres in depth. However, as the appellant points out in the grounds of appeal, the lands to the north of the subject site are currently zoned for agricultural use and are also earmarked for the provision of the Galway City By-Pass Route which has recently been lodged as a planning application with An Bord Pleanála.
- 9.4.2. I would again highlight the fact that the provision of an overall schematic masterplan for the lands in question could allay the Planning Authority's concerns as to whether or not the layout of the proposed development could impinge upon or adversely affect the development potential of adjoining residentially zoned lands.

#### **9.5. Access and Sightline Arrangements**

- 9.5.1. The final reason for refusal issued by Galway City Council argues that the proposed development relies upon works to be carried out outside the applicant's control for safety/access/exit to the site and therefore it is argued that if permitted, the proposal would be premature and generate a traffic hazard. While the School Road in many respects constitutes a typical third-class rural road, it appears to be located within its entirety within the 50 kilometre speed limit. There are no speed limit controls along the entire length of the road other than the junction between the local road and the N84, approximately 2 kilometres to the north of the site. It appears from the drawings submitted and in particular the drawings submitted with the grounds of appeal prepared by Aecom (CSG-ACM-XX-00-DR-CE-01-005), that 45 metre visibility

splays can be provided on the road in question in both directions in accordance with Table 4.2 of DMURS.

- 9.5.2. Having inspected the site, where I noted the relatively high volumes of traffic on a rural road, which has not had the benefit of any geometric upgrades, I would express concern that the proposed development of 74 houses onto a narrow third-class road could give rise to a traffic hazard. While 45 metre visibility lines may be achievable in both directions, I noted that much of the traffic travelling along this local rural road (a link road between the N84 and the N17) travel in excess of 50 kilometres an hour and therefore, in the absence of any public lighting footpaths and improvements to the geometrical alignment of the road, I would have concerns that the development of 74 houses on the subject site could give rise to a traffic hazard.

#### 9.6. **Other Issues**

- 9.6.1. A number of observations were submitted which expressed a number of concerns which are briefly dealt with below.
- 9.6.2. More than one observation expressed concerns in relation to the existing traffic problems associated with the road and argue that the proposed development if granted would exacerbate road safety and traffic congestion issues. I have argued above that while the proposed development may comply with the minimum requirements for sightline standards set out in DMURS, I nevertheless consider that, due to the volume of traffic on the road, the speed of traffic using the road and the general poor and substandard alignment of the local rural road, that the provision of 74 houses at the subject site where site visibility standards are restricted to 45 metres in both directions that the proposal would in my view constitute a traffic hazard until such time as the road improvements envisaged under the development plan are implemented.
- 9.6.3. One of the observations submitted specifically relates to the method of foul drainage intended to serve the development. The submission from Caiseal Geal Teoranta Nursing Home argues that the nursing homes is serviced by a private drain / sewer which connects to the main public sewer. The observation submitted argues that the proposal currently before the Board seeks to connect to this private drain/sewer for which the applicant has no authorisation. In response the applicant has submitted a letter which confirms that Irish Water have advised that a connection to the public

sewer can be facilitated. A letter from Irish Water indicating the same is attached. Based on the information provided, and the fact that the applicant has submitted a letter from Irish Water indicating that a connection can be facilitated, I do not consider that planning permission should be refused on the grounds set out in the observation. Connection to the public sewer is a matter between the applicant and Irish Water and I would refer the Board to Section 34(13) of the Planning and Development Act 2000 which states that “*a person shall not be entitled solely by reason of a permission under this section to carry out any development*”. Having regard to the above section I do not consider that the Board would be precluded from granting planning permission for the proposed development on the basis set out in the observations submitted.

## **10.0 EIAR Screening Determination**

On the basis of the information contained on file and the fact that the quantum of development proposed under the current application falls significantly short of the threshold of 500 residential units for which an EIAR would be required, it is reasonably to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and therefore an environmental impact assessment is not required.

## **11.0 Appropriate Assessment Screening Determination**

The application was accompanied by an Appropriate Assessment Stage 1 Screening Report. The nearest Natura 2000 sites which include the Lough Corrib SAC and SPA and the Galway Bay Complex SAC are located in excess of 1.5 kilometres from the subject site. No pathway was identified between the proposal and the EU designated sites in question which could result in the development having an adverse impact on the integrity of a European site during the construction phase. During the operational phase all discharge from the residential development will be into public drainage facilities which will be adequately treated and attenuated prior to discharge. Therefore the proposal does not constitute a risk to the qualifying interests associated with the Natura 2000 sites in question during the operational phase. I also note based on the information contained in the screening report that there is no

potential for either in combination impacts or indirect impacts with other plans or projects which were assessed in the screening report. I am satisfied that the screening report submitted has identified in Section 3.3 of the report all plans and projects which could potentially have a cumulative impact on the proposed development. Therefore, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on any European site in the vicinity including the site's conservation objectives and therefore a Stage 2 Appropriate Assessment and the submission of an NIS is not required.

## **12.0 Conclusions and Recommendation**

Arising from my assessment above I consider that the proposed layout and design of the proposed development is deficient and does not constitute best practice in accordance with the criteria set out in the Urban Design Manual. I also consider that the proposed development is premature pending a detailed layout for the residentially zoned lands and for the road improvement scheme along School Road the access road serving the site. On this basis I recommend that planning permission be refused for the proposed development based on the reasons and considerations set out below.

## **13.0 Reasons and Considerations**

1. It is considered that the layout and design of the proposed development which does not accord with best principles as per the criteria set out in the Urban Design Manual published by the Department of the Environment, Heritage and Local Government (May 2009). Specifically, it is considered that the proposed layout is dominated by an internal access road layout which would not be conducive to pedestrian safety or traffic calming and would not provide an attractive layout or contribute in a positive way to the public realm. Furthermore, it is considered that the proposed development as designed does not properly respond to its context and surrounding and is poorly

connected with Galway City in terms of facilities for pedestrians and cyclists. It is considered therefore that the proposed development would be premature pending the development of a masterplan/ schematic layout for the overall residential zoned lands in the area. The proposed development would, therefore, constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The subject site is located on a minor road which is substandard in terms of width and alignment and lacks adequate pedestrian and cycle facilities. It is considered that the traffic generated by the proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users. Furthermore, it is considered that the development of the kind proposed would be premature pending the determination by the planning authority of a road improvement upgrade scheme linking the subject site with the Tuam Road/N17 to the south. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Paul Caprani,  
Senior Planning Inspector.

1<sup>st</sup> July, 2019.