



An
Bord
Pleanála

Inspector's Report ABP 306169-19.

Development	Four two-bedroom two storey houses in a single block and associated site development works.
Location	Piggott's Street Loughrea, Co. Galway.
Planning Authority	Galway County Council
P. A. Reg. Ref.	19.1479.
Applicant	Loughmar Developments Ltd.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party x Refusal
Appellant	Loughmar Developments Ltd
Date of Site Inspection	5 th March 2020.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

1.1. The site which is rectangular in shape and is on the west side of Piggott Street in Loughrea has a stated area of 2,630 square metres. It is setback from the footpath edge and enclosed by a limestone wall along the frontage. At the rear there is a carpark with a vehicular entrance which serves a commercial building adjoining the northern end of the site. At the rear of the carpark there is well and planting overlooking open lands below on the west side of the site. A steeply sloped entrance to these adjoining lands to the south west is adjacent to a commercial building to the south where there is a vacant property. On Piggott Street there is a mix of residential, commercial and institutional/community facilities. The street is one way with traffic approaching from Bride Street/Main Street at the southern end.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a block of four terraced two storey houses the footprint of which is on the site frontage. The plans show patios/terraces at the rear of each unit. The total stated floor area for the four dwellings is 290.40 square metres. There are no proposals within the application for dedicated carparking to serve the dwellings.
- 2.2. Written consent to the application provided by the title holder is included on file.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission based on three reasons:

1. Deficient sightlines in a northerly direction at the entrance resulting in obstruction and endangerment of public safety of other road users by reason of traffic hazard.
2. Substandard attainable residential amenity within the dwellings and deficient on-site parking provision.
3. Adverse impact on a protected view and on the visual amenities and character of the (statutory) architectural conservation area (ACA) and material

conflict with Objectives BH 3 and BH 5 of the Loughrea Local Area Plan. (LLAP.)

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning officer having assessed the proposal indicated a recommendation for refusal of permission based on the reasoning attached to the decision to refuse permission.

3.2.3. A report from Irish Water indicates that the proposed development can be connected to the existing foul sewer and to the watermain in the public road subject to obtaining a connection agreement.

3.2.4. A submission was lodged by the Department of Culture Heritage and the Gaeltacht in which reference is made to archaeological in view of the location in a zone of archaeological potential around the historic town of Loughrea and an archaeological monitoring condition is recommended if permission is granted. Reference is also made to natural heritage considerations particularly regarding to protection of water sources the area being that of high groundwater vulnerability, close to a watercourse and to protected European sites downstream.

4.0 Planning History

P. A. Ref. Ref. 18/100. Permission was granted for a two-storey office block along with associated works on the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan is the *Galway County Development Plan 2015-2021* (CDP) and the operative Local Area Plan is the *Loughrea Local Area Plan 2012*.

According to Policy RD1 of the County Development Plan, it is the policy of Galway County Council for residential development to support the creation of sustainable communities and high quality residential areas at appropriate locations with a range

of housing options and adequate support services, facilities and amenities, having regard to the guidance contained in the following policy documents or any updated versions of the *Joint Galway County Council and Ballinasloe Town Council Housing Strategy 2009-2015*, *Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities*, (2009) and, the accompanying guidance document *Urban Design Manual: A Best Practice Guide* (2009), and, *Design Manual for Urban Roads and Streets*, (2013)

Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities, (2009) and, the accompanying guidance document *Urban Design Manual*: are superseded in, “*Sustainable Urban Housing: Design Standards for New Apartments*” (2018) (Apartment Guidelines, 2018) which also take precedence over standards within the CDP.

According to DM Standard 22 there is a requirement for provision for 1.5 spaces car per dwelling.

- 5.1.2. According to the Loughrea Local Area Plan, (LLAP) the site comes within an area subject to the zoning objective C1: Town Centre/Commercial. To promote the development of the town centre as an intensive, high quality, well landscaped, human scaled and accessible environment with an appropriate mix of uses. Residential use, excluding apartments is open for consideration subject to consideration of Policy RD1, Objective RD1 and RD9 of the CDP.
- 5.1.3. The site location comes within the zone of archaeological potential around the historic town of Loughrea, a Recorded Monument.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from John Healy on behalf of the applicant on 16th December, 2019 according to which the proposed development is appropriate for the location and consistent with national and local policies and objectives and it is requested that permission be granted.

6.1.2. With regard to reason 1 for the planning authority decision to refuse permission it is submitted that:

- The entrance to the south is an access gate for the rear yard the office resource centre at the southern end. It has eight carparking spaces and is used for storage. Exiting the parking area entails movement over the 1.5 m wide footpath to the carriage way edge along which there is marked 2.2 metres wide on street parking. The parked vehicles obstruct vision to the north. Piggott Street is one way, in a southerly direction.
- Access and egress to adjoining development is unaffected and there is no question of traffic hazard for road users. Sightlines at the entrance to the north side, both pre and post development are not obstructed, as demonstrated on a site layout plan included with the appeal.

6.1.3. With regard to reason 2 for the planning authority decision to refuse permission it is submitted that:

- The application was lodged because the applicant decided not to implement the prior grant of permission for an office development under P. A. Reg. Ref. 18/100 due to failure to secure a tenant. This development would have been similar in scale to the proposed development.
- Given the town centre location it is imperative for the site which is a brownfield infill site to be developed even though it is confined at 9.2 metres depth along a twenty-eight metres frontage and, it will contribute to the streetscape.
- Provision for parking on site is not feasible, and on street parking is deemed acceptable in town centre infill development. There are fourteen spaces in the vicinity with ample free spaces being available in evening hours and there are several public car parks. A part 8 development on Barrack Street does not have onsite parking.
- Bin storage can be provided in the rear gardens. The owner of the property to the rear has indicated that rear access for bins to be brought through that property can be provided.
- The rear private open space (gardens) at sixteen square metres in area will be of good quality and suitable for the town centre. The space to the east side

is unlikely to be developed. Other properties have little or no private open space. There are public open space and amenity areas in Loughrea close to the site location and to the lake.

6.1.4. With regard to reason 3 for the planning authority decision to refuse permission it is submitted that:

- The proposed development design reflects that of the previously permitted development under P. A. Reg. Ref. 18/100 which with regard to the ACA was acceptable to the planning authority. The site for the permitted development is larger. The proposed building is slightly smaller and slightly higher and, is similar in scale and form to the permitted two storey building. The proposed linear nature best reflects the existing pattern of development. Details of materials and finishes are available in the application drawings and proposals for re-use of the stone from the wall in boundaries and at the ends of the block.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of a decision and considered below are:

Safety and convenience of road users.

Design form and layout – residential amenity standards.

Visual amenities and integration with established built environment.

Drainage arrangements,

Environmental Impact Assessment

Appropriate Assessment.

7.2. **Safety and convenience of Road users.**

7.2.1. The footprint of the proposed block of two storey terraced houses is at the edge of the 1.5 metres wide public footpath whereas the existing limestone wall and entrance at the southern end of the site are setback two metres behind the public

footpath along with the building line established by the buildings on the south side of the entrance, along with the commercial building further to the north. The applicant's case as to safety of egress from the carpark adjoining the site is dependant vehicles moving forward of the proposed block, across the footpath to gain sight to the northwards beyond the parallel on street parking towards oncoming traffic from the north along the street. It is not acceptable for there to be a deterioration in attainable standards for sightlines on exiting an existing entrance as it leads to significant increased risk of obstruction of and conflicting traffic movements and hazard to pedestrians and other road users such as cyclists. The observation of the planning officer in his report that the position of the permitted development under P. A. 18/100 (an office development) is further to the north of the existing entrance than the proposed development resulting in increased attainable vision along the public road.

- 7.2.2. It is therefore agreed that the proposed development would interfere with the safe and free flow of traffic and endanger public safety of all road users by reason of traffic hazard due to obstruction of vision in a northerly direction at the entrance to the carpark at the southern end of the site.

7.3. **Design, form and layout – residential amenity standards.**

- 7.3.1. In principle, a residential development such as a small cluster of houses is 'open to consideration' within the areas subject to the town centre zoning objective in Loughrea and which accords with national policy encouraging development on underutilised lands providing for consolidation of serviced settlements and sustainable development should be supported. However, the proposed development is substandard in several respects regarding standards of attainable residential amenity having regard to strategic guidance and the CDP. The internal layout across the two floors for the dwellings and access to sunlight and daylight standards are acceptable
- 7.3.2. The concerns of the planning officer regarding the proposed arrangements for private open space, and lack of public and/or communal open space are supported. The patio spaces which extend across the plot widths, estimated to be fourteen square metres in total area, are two metres in depth and the front entrances to which open directly onto the public footpath leaving no private curtilage at the front. It also

appears that the patio spaces must also provide for refuse and cycle storage. These arrangements which are for houses with three bed spaces are seriously deficient in quantity, configuration and quality.

7.3.3. Furthermore, no onsite carparking provision is to be provided for the houses whereas there is a requirement according to DM Standard 22 of the CDP for six spaces at 1.5 spaces per unit. It is agreed with the planning officer that this omission is unacceptable. The proposed development cannot be regarded as being close to a range of good public transport options, such as those available in inner urban areas of large settlements and, given that there is relatively heavy demand for the public pay and display on street parking spaces although this may not be the case in evening times. The lack of on-site parking would diminish the quality of the dwellings and the additional demand for on street parking created by the lack of dedicated parking facilities would contribute to the problems of obstruction of the free and safe flow of traffic already identified in relation to obstruction of views in a northerly direction from the vehicular entrance to the south of the site.

7.3.4. **Visual amenities and integration with established built environment.**

7.3.5. The site location is within an Architectural Conservation Area, (ACA) and within a designated focal viewpoint, as provided for in the LLAP. The proposed footprint erodes the front building line on Piggott Street established by the limestone wall which is setback two metres behind the public footpath and buildings to either side. Removal of the limestone wall would result in loss of a feature and historic fabric of special architectural heritage interest within the streetscape to facilitate the construction of the proposed block which has blank gable ends and an uninterrupted linear form, and roof profile and horizontal emphasis in glazing at first floor level. It would be very prominent in that on the street frontage, being forward of the established building line and dominating and interrupting the continuity of the views along the streetscape and its historic character. It is therefore agreed that the proposed development would adversely affect and cannot be satisfactorily integrated into the ACA.

7.4. **Drainage.**

7.4.1. It is noted that although details of the proposed drainage and water supply arrangements have not been included in the application although Irish Water has

indicated that connection agreements would be forthcoming. However, it is considered necessary for it to be established prior to determination of a decision, in the event of possible favourable consideration, for it to be demonstrated that satisfactory drainage arrangements can be provided, without cause for concern as to potential flooding risk or risk of environmental pollution the site location being in close proximity to the Kilcolgan River and on an area of high groundwater vulnerability. It would be desirable that in the event of possible favourable consideration that this matter be clarified prior to determination of a decision.

7.5. Environmental Impact Assessment Screening.

- 7.5.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. Appropriate Assessment.

- 7.6.1. Given the small scale and nature of the proposed development, a four dwelling infill, both at construction and following occupation, the serviced, brownfield site at present under hard standing and in use as carpark, and, the location within the centre of Loughrea, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 9.0 In view of the foregoing, it is recommended that the planning authority decision to refuse permission should be upheld based on the draft reasons and considerations

set out below. If it is decided to grant permission an archaeological monitoring condition should be attached.

10.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of the confined site configuration, encroachment forward of the front building line, deficient quantum and quality of private open space provision and lack of communal or open space lack of dedicated carparking provision, dedicated provision for cycle parking and refuse storage and collection. As a result, the proposed development would constitute substandard development which would seriously injure the attainable residential amenities for the future occupants. The proposed development would therefore be contrary to the proper planning and sustainable development the area.
2. The footprint of the proposed block of two storey terraced houses is at the edge of the 1.5 metres wide public footpath whereas the existing limestone wall and adjoining entrance at the southern end of the site are setback two metres behind the public footpath and share the building line established by the buildings on the south side of the adjoining entrance, and the building further to the north. As a result, vehicles exiting the existing adjoining entrance must forward across the public footpath to gain some visibility towards oncoming traffic from the north beyond the on-street parking parallel to the footpath. Furthermore, the proposed development would generate additional traffic movements and increased demand for on street parking in the vicinity due to the absence of on-site provision, As a result, the proposed development would endanger public safety by reason of traffic hazard due to lead to obstruction of the safe and safe and free of traffic including cyclists and that of pedestrians and would be contrary to the proper planning and sustainable development of the area.
3. The site location is within an Architectural Conservation Area, (ACA) and within a designated focal viewpoint, as provided for in the Loughrea Local Area Plan. The insertion of the proposed two storey block the gable ends of which are blank, at the edge of the public footpath, two metres forward of the

building line established along Piggott Street by the buildings to the north and south sides and by the existing lime stone wall on the site, which is of special local historic interest and, which is to be demolished, would result in loss of a historic feature and fabric of special architectural heritage interest and, would, in encroachment of the building line, dominate and interrupt and adversely affect the visual amenities and the continuity of the views along the streetscape from either direction and this impact would also be exacerbated by proposed linear block form and horizontal glazing detail at first floor level. As a result, the proposed development would not satisfactorily integrate with the existing built environment and would adversely affect visual amenities and integrity and fabric of the with the Architectural Conservation Area and, would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
26th^h March, 2020.