



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion

ABP-306599-20

Strategic Housing Development	144 residential units (88 houses and 56 apartments including duplex units), a childcare facility and all associated site development works.
Location	Letteragh Road, Letteragh, Ragoon, Galway.
Planning Authority	Galway City Council.
Prospective Applicant	Cairn Homes Properties Limited
Date of Consultation Meeting	5 May 2020.
Date of Site Inspection	6 March 2020.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

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

2.0 Site Location and Description

The site is located in the north western outskirts of Galway City, approximately 3 kilometres from the city centre. The site is accessed from Letteragh Road, a minor country road that joins Circular Road to the south and the suburbs around Westside Park and Shopping Centre. Sliabh Rioga and Bun A' Chnoic, housing estates that comprises a mixture of semi-detached, duplex and apartment buildings are located to the south of the site and recently completed houses at Breacán are located to the east.

The site shows the workings of previous construction activities involved in the development of housing estates in the vicinity. As a result, there are numerous areas of made up ground and former haul routes and tracks. There is also the remnants of the former agricultural landscape such as small fields, stone wall boundaries and some small trees. There are areas of wet ground and large areas of ponding in some locations. Outcropping rock is a feature of the upland part of the site at the northern boundary. As a consequence of the uneven topography of the site there are considerable level changes at various parts of the site and between the site and neighbouring residential property.

3.0 Proposed Strategic Housing Development

The proposed development which is subject of this pre-application consultation request comprises 144 residential units (88 houses and 56 apartments and duplex units), as follows:

- 23 four bed houses – 16%
 - 65 three bed houses - 45%
 - 9 one bedroom apartments (apartment) - 5%
 - 37 two bedroom apartments (apartment and duplex) - 26%
 - 10 three bedroom apartments (apartment and duplex) - 6%
- Childcare Facility, 354 sqm (40 child places).
 - 275 car parking spaces.
 - 321 bicycle parking spaces.
 - The site area is 4 hectares. Gross residential density 36 units per hectare.

4.0 National and Local Policy

Section 28 Ministerial Guidelines

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

- 'Urban Development and Building Heights Guidelines for Planning Authorities' – 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Local Policy

Galway City Development Plan 2017-2023

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

The objective for Residential Lands is to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods. Residential and childcare facilities are considered uses which are compatible with and contribute to the zoning objective.

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

A portion of the **N6 Galway City Ring Road** route corridor, a link road, adjoins the site. The scheme is currently at Phase 4 EIS/EAR and The Statutory Processes. The objective of Phase 4 EIS/EAR and The Statutory Processes is to complete an environmental assessment of the design developed in Phase 3, identify the potential impacts of the proposed development on the receiving environment and establish mitigation measures required. Legal documentation for land acquisition is also completed as part of this phase, in addition to the statutory processes necessary to confirm that the proposed scheme is in accordance with planning and environmental legislative and procedural requirements. Statutory consent has been requested from the An Bord Pleanála and an Oral Hearing is currently underway.

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

5.0 Planning History

Subject site:

PI Ref. No. **06/705** - 207 Residential Units, Creche and 3 No. Commercial/Retail Units and PI Ref. No. **12/22** - Application for extension of duration refused.

Nearby Sites:

ABP- 304345: Permission granted for a SHD development. The development which is currently under construction will consist of 101 no. residential units, development of a childcare facility (259.1 sqm), provision of shared communal and private open space, car parking, site landscaping, services, access to Letteragh Road.

N6 GCRR: Galway County Council, on behalf of itself and on behalf of Galway City Council, the N6 Galway City Ring Road (N6 GCRR) around Galway City. The application for the N6 GCRR was lodged with An Bord Pleanála in October 2018 and is currently under consideration by the Board (**ABP-302885** refers). The proposed N59 Link Road South which forms part of the overall road scheme forms the western boundary of the prospective application site.

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

Section 247 Consultation(s) with Planning Authority

It is stated by the prospective applicants in the submitted documentation that Section 247 pre-application consultations took place with the planning authority on a number

of dates including 26 April 2019, 27 September 2019 and the 18 November 2019. Details of the meeting are submitted.

6.0 Forming of an Opinion

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

Documentation Submitted

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

The information submitted included the following: a Completed Application Form; site layout plans and architectural and engineering drawings, NIS and AA screening report, planning report and statement of consistency, EIA Screening Report, Ecological Impact Assessment, Site Specific FRA, Civil Works Design Report, DMURS Statement, TTA, Architectural Design Statement Report, Irish Water pre-connection enquiry, Part V plans and costs, Landscaping Layout and schedule.

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

Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway City Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 6 March 2020.

The planning authority's 'opinion' included the following matters: planning history; zoning, policy to do with outer suburb locations, N6 route corridor, plot ratio, density,

residential amenity, landscape/play areas and ongoing maintenance, transportation and site specific roads and access comments. The detail is as follows:

Planning history – the existence of a large residential scheme albeit on a bigger site demonstrates the principle of a significantly sized development for the area.

Galway City Development Plan – the principle of housing at this location is accepted, however, given the location of the site and the residential zoning objective, greater density could be achieved.

Car Parking – a shortfall is noted but accepted.

Communal Open Space – the size and scale of open spaces is not acceptable and may not be usable by all age groups, the open spaces are not well overlooked by units, some loose surface finishes are not acceptable and home-zone areas are not well defined.

Urban Design – the design location and positioning of the apartment block requires refinement, greater density could be achieved across the site. The apartment block has a poor outlook and no dedicated amenity space.

Community/childcare facilities – a community facility should be provided and the creche facility is adequate.

Submission from Irish Water

A submission was received from Irish Water and is available on file. In summary, the submission states that the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections. Flow rates for fire flow requirements cannot be guaranteed and so adequate on site storage should be provided.

The Consultation Meeting

A section 5 Consultation meeting took place via Microsoft Teams on the 5 May 2020, commencing at 2.30pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance online. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Residential Density
2. Road and footpath improvements – implications of the Galway By-pass Road Project
3. Site interface and relationship – existing property and Letteragh Road
4. Connectivity - Pedestrian and Vehicular
5. Layout and Design
6. Drainage - Surface Water Management – Flood Risk Assessment
7. Any other matters

In relation to residential density, ABP representatives sought further elaboration/discussion on the planning authority's view that density could be increased. The planning authority noted SHD permissions in the area and explained the locational factors of the site, close to amenities and Galway city centre. The applicant explained the constraints of the site including the reservation for a link road to the Galway By-Pass project and the topographical factors of the site, but admitted that residential density could be slightly increased. A moderate increase in density could be achieved through varying unit mix.

In relation to road and footpath improvements, including the implications of the Galway By-pass Road Project, ABP representatives sought further elaboration/discussion on the relationship between the proposed development and the N59 link road proposal. The planning authority were concerned that the proposed development should be assessed as a standalone project, if the proposed road project did not go ahead. Therefore, issues such as extensive tree planting along the western margin outside of the site should be addressed to take account for a no link road scenario. ABP representatives concluded that it would be important to demonstrate how the proposed development ties in with the Galway By-pass Road Project, but equally that documentation should show how the development stands if the project does not go ahead. Detailed cross sections should detail the level difference between the proposed development and the planned link road. In addition, any proposals for public realm improvements along the Letteragh Road should take

account of existing development to the east as well as planned improvements that may result from the Galway By-pass Road Project.

In relation to the site interface and relationship – existing property and Letteragh Road, ABP representatives sought further elaboration/discussion around the relationship between the proposed development and neighbouring property, particularly with regard to the topography of the site and the change in levels. The planning authority highlighted permitted development in the area and how that would relate to the proposal. An Bord Pleanála officials highlighted the importance of good pedestrian connections and also the need to ensure that future opportunities for connections are not eliminated. In addition, it was stressed that any level changes between neighbouring properties and the proposed development should be adequately illustrated and addressed.

In relation to the connectivity - pedestrian and vehicular, ABP representatives sought further elaboration/discussion around the opportunities for vehicular connections southwards through the site in the absence of the Galway By-pass Road Project. The planning authority were concerned that cycle routes through the site could be redefined and the applicant agreed. In addition, cycle parking and standards were discussed and it was agreed that more detailed information should be provided in this regard.

In relation to the layout and design, ABP representatives sought further elaboration/discussion around the location of the apartment block and the amenities that future occupants will enjoy. The orientation and setting of the duplex units were queried with respect to double frontage and amenity. The planning authority reiterated their concerns about amenity standards that they had raised in their opinion. In addition, the site along the Letteragh Road is not seen as a gateway and the legal issues about the laneway along the southern boundary of the site were discussed. The prospective applicant explained their rationale for the site layout as illustrated by the documentation submitted. The prospective applicant was reminded that a building life cycle report would be required, detailed description of building finishes should be carefully considered and that the arrangement and treatment of duplexes in the south western portion of the site could be re-examined.

In relation to the drainage - surface water management – flood risk assessment, ABP representatives sought further elaboration/discussion around the surface water management plan for the site in light of significant ponding and any other contributors to flood risk. The planning authority highlighted the location of attenuation tanks for easy access and maintenance. The applicant was advised that surface water management and flood risk assessment of the site should take account of any on site features such as streams and watercourses (if present) and address the issues associated with ponding.

In relation to the other matters, the planning authority representatives highlighted the landscaping treatment of front driveways and the prospective applicant acknowledged that some changes to planting at these locations could be considered.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 306599' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

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

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

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

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

8.0 Recommended Opinion

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

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

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

1. Residential Density

Further consideration is required with respect of the documentation relating to the residential density of the site. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning

Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') as they refer to Outer Suburban Greenfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Galway City Centre and to established social and community services in the immediate vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density, residential mix and layout of the proposed development.

2. Interface

Further consideration of the documents as they relate to the layout of the proposed development particularly the relationship to the Galway By-pass Road Project, Letteragh Road and the existing semi-detached houses at Breacan. Layout, contiguous elevations and section drawings should detail the relationship between the buildings and the public realm, existing and proposed. In particular, drawings should show the full suite of facilities that would be expected in any urban context; such as but not limited to; footpaths, landscaped margins, appropriate boundary treatments and the provision of passive supervision of these new public spaces. Any development that integrates with the public realm either existing or modified should accord with the best practice principles of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') and the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments. The report should also detail who is going to undertake the works required and the timelines involved relative to the construction and completion of the proposed development. Letters of consent should be provided for any works outside of the applicant's control/ownership. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

3. Connectivity

Further consideration of the documents as they relate to the connectivity of the development site to existing pedestrian and vehicle networks in the vicinity.

Specifically, drawings should detail how the proposed development provides convenient and safe access from the site to existing facilities and services to the south west along Diarmuid Road and onwards to the Ragoon Road. Reference should be made to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. Any proposal to integrate and connect with neighbouring housing estates and open spaces should accord with the best practice principles of the Design Manual for Urban Roads and Streets, that seek to provide better and safe pedestrian and cyclist environments as well as facilitating sustainable vehicular connections. In this respect, the preparation of a map illustrating pedestrian, cycle and vehicular links through and off the site should support any application. Further consideration of these issues may require amendment to the documents and/or design proposals submitted.

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

1. Additional photomontage images and a series of drawings, specifically cross sections at appropriate intervals to illustrate the topography of the site, showing proposed and existing dwellings and interactions with landscape elements together with the proposals (as they are known at present) regarding the Galway By-pass Road Project. Attention should be drawn to the impact of retaining walls and road profiles. Drawings should be appropriately scaled and rendered in colour. Site sections should be clearly labelled and located on a layout 'key' plan.
2. A layout drawing at an appropriate scale that details permitted development in the vicinity and specifically any road and footpath improvements, if any, and

how they will integrate with the development as proposed. Specific reference should be made to the configuration and alignment of the local road network to the immediate north of the subject site along the Letteragh and other permitted and existing housing development in the area.

3. A parking layout that reflects the most appropriate quantum of car parking provision for a suburban site and includes the details of convenient locations and facilities for bicycle parking. Car parking layouts should be suitably landscaped and designed to ensure appropriate levels of planting.
4. The documentation at application stage should clearly indicate the relationship between the design and use of Sustainable Drainage Systems (SuDS) within the site and the landscape masterplan in the context of the advice provided by The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and its appendices.
5. Proposals for the taking-in-charge of the development, if applicable.
6. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.
7. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development. The report shall detail how proposed apartment units and duplex units have adequate levels of amenity, especially where road and streets are planned in close proximity.
8. A construction and demolition waste management plan.
9. The provision of an integrated strategy for the delivery of a proposed residential development including the co-ordination of all plans and particulars

such as but not restricted to, any ecological assessments, Construction Management Plan, Surface Water proposals and Flood Risk Assessment.

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

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

PLEASE NOTE:

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

Stephen Rhys Thomas
Senior Planning Inspector

14 May 2020