



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-308577-20**

Strategic Housing Development

Demolition of 4 no. dwellings and concrete slab, construction of 102 no. units (13 no. houses, 34 no. duplexes, 55 no. apartments) creche and associated site works.

Location

Monivea Road, Ballybrit, Galway.

Planning Authority

Galway City Council

Prospective Applicant

Sathel Ltd.

Date of Consultation Meeting

01/02/2021

Date of Site Inspection

20/01/2021

Inspector

Conor McGrath

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site comprises a stated area of 1.4ha located on the eastern side of Galway City. The site is bounded by the Monivea Road to the north and the Ballybane More Road to the south. Briarhill District Centre is located approx. 400m east of the site, with frontage to the N6. This irregularly shaped site is largely greenfield in nature but is occupied by four houses currently. Three semi-detached bungalows have frontage to Monivea Road, while there is a detached dwelling in the southern part of the site which is currently derelict and bounded by hoarding. In the southwestern corner there is a concrete / foundation slab. Ground levels fall by approx. 12m across the site south to north. There are mature internal boundaries of varying condition, generally running north-south, while there are some mature trees / hedgerow along the eastern boundary. Frontage to Ballybane Road comprises a low wall and the road is rural in character at this location.
- 2.2. To the west of the site is the Maryam Mosque and a small residential development, *Dún Briota* which comprises a mixture of two and three storey units, with varying levels. To the east of the site, accessed from Monivea Road, is a development of two-storey apartments, *An Luasán*. A detached bungalow has frontage to Ballybane Road to the southwest of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of 102 no. residential units including 55 no. Apartments, 34 no. Duplex units and 13 no. Houses, together with a crèche, and includes the extension of an existing semi-detached single-storey house on Monivea road to provide a four-bed two storey house. Key development parameters include:

Site area	1.4ha
No. of units proposed	102
Density	72.85 / ha
Plot Ratio	0.68
Open space	2,175-sq.m / 15 %
Parking	74 spaces / 0.75 per unit Including creche
Cycle parking	140 / 1.37 per unit

Unit type	No.	%
1-bed	25	24.5%
2-bed	51	50%
3-bed	25	24.5%
4-bed	1	1%

4.0 Relevant Planning History

There is no recent relevant planning history on the subject site.

Adjoining lands:

ABP Ref no. ABP-306222-19: Permission granted in April 2020 for an SHD development on lands on the southern side of Ballybane More Road, comprising 101 houses, duplex and apartment units, and creche. Works included provision of a section of new footpath along Ballybane More Road.

PA ref. 18/354: Permission granted for the development of 7 no. houses on Ballybane More road, approx. 120m east of the subject site.

5.0 Section 247 Consultations with Planning Authority

5.1. Submissions refer to meetings between the prospective applicants and Galway City Council on 20th July and 9th September 2020. Matters discussed therein included:

- Density
- Open Space Provision & Quality
- Location of Bin Stores & Cycle Parking
- Car Parking
- Vehicular access and scope of the TTA
- Proposed works on Monivea Road
- Drainage
- Height and overlooking
- Boundary Treatment
- Useability and treatment of the Open Space. Landscaping details.
- Treatment of the access from Ballybane More Road

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

The NPF seeks to realise the potential of Galway to become a city of scale, growing by 40-45,000 by 2040.

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority-

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 3b is to deliver at least 50% of all new homes targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. Regional Spatial and Economic Strategy for the Northern and Western Region

In order to achieve the NPF targets and address the weak urban structure, the RSES growth strategy has taken a strategic approach to develop urban places of regional-scale through:

- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth.
- Delivering significant compact growth in Key Towns.
- Developing derelict and underutilised sites, with an initial focus within the footprint of urban areas.
- Delivering critical enabling infrastructure and services.

Population growth in Galway between 2016 and 2026 of +23,000 is proposed.

Galway Metropolitan Area Strategic Plan (MASP)

A key ambition of the RSES strategy is to grow globally competitive urban centres of scale that shall be compact, connected, vibrant and inclusive places for people and for businesses to grow. The primary centre identified for growth in the region is Galway City through its designation as a Metropolitan Area in the NPF.

Key Transport Components of the Galway Transport Study for MASP include:

Public Bus Transport: Development of a cross-city network of bus services which can serve the major trip attractors with five core bus routes to provide a minimum 15-minute frequency service during the peak periods and sustain a high-frequency service throughout the day.

Cycle Network: Provision of a core, secondary and feeder cycle network which includes segregated cycle routes, on-road cycle lanes and /or wide bus lanes to cater for both buses and cyclists along the same route.

Develop a secondary cycle network that will comprise connections from residential areas and areas of employment to the primary network accessing key destinations. (This includes a core bus route and a secondary cycle route along Monivea Road)

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)**

This Plan sets ambitious targets to double the annual level of residential construction in the period to 2021, while at the same time making the best use of the existing housing stock and laying the foundations for a more vibrant and responsive private rented sector. The actions are categorised under five pillars. Pillar 3, Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

6.2. **S.28 Ministerial Guidelines**

- Urban Development and Building Heights Guidelines for Planning Authorities
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Design Manual for Urban Roads and Streets - 2020
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Smarter Travel – A New Transport Policy for Ireland (2009-2020)

6.3. Local Planning Policy

6.3.1. Galway City Development Plan 2017 - 2023

The subject lands are zoned to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and contribute to sustainable residential neighbourhoods. Monivea Road is identified as a Bus Route as part of the Galway transport Study, while Ballybane More Road is identified for road improvements.

The core strategy notes that outside identified growth areas, other residential areas of the city will grow but at a more constrained rate and in character with the established nature of development. The policy is to allow for consolidation and densification where appropriate. The plan identified a requirement for approx. 8,000 dwellings units to 2022.

The site is located within the Outer Suburban areas.

Policy 2.5 Outer Suburbs (includes)

- Encourage higher residential densities at appropriate locations especially close to public transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.
- Ensure sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form.
- Ensure the layout of residential developments has regard to adjoining developments.
- Encourage a mix of housing types and sizes within residential developments.
- Encourage the use of homezones within residential developments.
- Require residential developments of over 10 units to provide recreational facilities as an integral part of the proposed open space.
- Ensure a balance between the reasonable protection of the residential amenities of the outer suburbs and the protection of the established character and the need to provide for sustainable residential development.

- Encourage the integration of energy efficiency in the design and layout of residential development.
- Encourage the promotion of universal design principles and lifetime adaptability in the design and layout of residential developments.

The transport strategy set out in section 3.1 supports integrated land use and transportation and implementation of the Galway Transport Strategy (GTS), which will deliver a high-quality public transport network, provide and encourage the use of other sustainable modes of transport, and facilitate the efficient movement of private vehicles and freight. This includes the consolidation of development.

Residential development standards for the Outer Suburbs include

- Plot ratio of 0.46:1 for residential development shall not normally be exceeded.
- Planning applications for new large-scale residential developments shall be accompanied by assessments of the capacity of local schools.
- Developments shall provide amenity open space made up of the following ratios:
Communal Open Space: 15% of the gross site area.
Private open space exclusive of car spaces shall be provided at a rate of not less than 50% of the gross floor area of the residential unit.

- Car Parking Standards

In order to provide for flexibility in residential layouts the following are the options for car parking requirements:

- 2 on-site spaces per dwelling and 1 grouped visitor space per 3 dwellings or
- 1 on-site space per dwelling and 1 grouped visitor space per dwellings or
- 1.5 grouped spaces per dwelling and 1 grouped visitor space per 3 dwellings
- 3 spaces for dwellings over 200m² and 1 grouped visitor space per 3 dwellings
- 1 space for one-bedroom dwellings and 1 grouped visitor per 3 dwellings

These standards should not be exceeded unless acceptable additional need can be demonstrated.

Section 11.10.1 notes that a reduction in these car-parking standards may be acceptable when an application for development includes a Travel Plan, which demonstrates alternative methods of dealing with traffic generation.

- **Cycle Parking Standards:** A minimum of one cycle stand (five bicycles) per 20 car spaces or over shall be provided. For every additional 50 car parking spaces, an additional cycle stand should be provided. Cycle parking must be sheltered where appropriate.

7.0 **Submissions Received**

Irish Water: A Confirmation of Feasibility has issued for connections to the Irish Water networks. In respect of water, pumps at the existing pump station which serve the existing pressurised watermain to the south of development may require to be upsized to cater for the demands associated with the high level apartment blocks. The applicant may be responsible for costs associated with the pump upgrade. A wastewater connection can be facilitated without upgrade to the foul sewer network on Monivea Road.

8.0 **Forming the 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 submission and the discussions which took place during the tripartite consultation meeting.

8.1. **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. This information includes, inter alia:

- Pre-Application Consultation Request Form and application fee
- Planning Report and Statement of Consistency including Section 247 Meeting Minutes and Part V details and preliminary agreement with Galway City Council.
- Childcare Assessment
- Ecological Impact Assessment (EclA)

- Appropriate Assessment Screening Report (AASR)
- Natura Impact Statement (NIS)
- Bat Survey Report
- Architectural Design Statement, including Housing Quality Assessment and 3D Views.
- Architectural Drawings,
- Landscape Design & Outline Maintenance Report
- Landscape Drawings
- Tree Survey Report
- Stage 1 Flood Risk Assessment & Hydrological and Hydrogeological Assessment
- Civil & Structural Engineering SHD Planning Context Letter,
- Drainage & Water Supply Report
- Geotechnical Trial Pit Log Report
- Irish Water Confirmation of Feasibility
- Engineering Drawings
- Traffic and Transport Assessment
- DMURS Compliance Statement
- Stage 1 Road Safety Audit
- Transportation Drawings,
- Desktop Archaeological Assessment
- Building Life Cycle Report
- Sunlight Assessment

In accordance with section 5(5)(b) of the Act of 2016, the documentation includes a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000.

8.2. Planning Authority Submission

A submission from Galway City Council was received by An Bord Pleanála on the 1st December 2020 in accordance with Section 6(4)(b) of the 2016 Act. The

submission includes a statement of the planning authority's opinion, reports from internal sections of the city councils and minutes of s.247 consultation meetings with the prospective applicants. The report containing the opinion of the planning authority makes the following points:

- The interface with permitted development to the south will be important in terms of creating an active edge and enclosure in accordance with DMURS.
- The proposed development is compatible with the residential zoning objective.
- The creche adheres to the policies and standards for such facilities and will contribute to community cohesion.
- Such higher density development represents the consolidation of urban development on serviced zoned lands.
- The location is appropriate for the density and housing types proposed.
- There are bus services and proposals for cycle facilities on the Monivea Road.
- The submitted analysis identifies no significant loss of light or sunlight to adjoining properties. All rooms within the development comply with BRE.
- Qualitative and quantitative public open space requirements are met. A good quality public realm is proposed.
- The layout provides north-south permeability and promotes low traffic speeds in accordance with DMURS.
- Regard is had to the scale and height of adjoining development. Building heights respond to the natural topography providing variety and interest.
- Dwelling design and layout maximises sunlight penetration and southerly aspects. Communal spaces received adequate levels of sunlight.
- Apartment blocks will provide enclosure and active street frontage to Ballybane More Road and step down to adjoining housing.
- Finishes are acceptable and brick colour should reflect the local environment and landscape.
- Greater supervision and animation of the north- south pedestrian route from apartment Block A should be provided to improve amenity and security.
- The scheme raises no concerns regarding overlooking.
- The residential units accord with the apartment design guidelines.
- There is a shortfall of 117 no. parking spaces (62%).

- While the site qualifies for a reduced parking provision, this must be justified and will be subject to a comprehensive mobility and parking management plan.
- Bicycle parking facilities are acceptable but are deficient by 75 no. spaces / 33%.
- Internal technical reports describe parking deficits as excessive and premature given existing public transport and cycle services, notwithstanding future NTA Bus Connects Scheme.
- Parks dept raises concerns regarding the functionality of open spaces and survival of mature trees.
- Environmental mitigation measures, particularly groundwater protection measures, are welcome.
- The principle, quantum, design / layout of development is appropriate and acceptable. The development accords with the development plan policies and objectives for these lands.

Issues raised in Internal Section Reports include:

- Water Services: Surface water drainage design is acceptable.
- Parks: The proposals do not prioritise tree retention. There are concerns that trees identified for retention can survive site works and regarding the viability of proposed planting and future management. Landscaping plans are conceptual and will require further review. The loss of biodiversity on the site should be acknowledged and should be off-set. There should be compliance with referenced guidance documents.
- Transport: The Galway Transport Strategy proposes one secondary bus route along the Monivea Road. The boundary set-back to Monivea Road recognises the alignment for the GCC cycle scheme, which includes pedestrian crossings. This scheme is subject to funding and Part 8 approval with a view to delivery by 2023. Future interference by planting of sightlines is identified.

Cycle parking deficiencies are unacceptable and inconsistent with the case for reduced car parking provision. Clarification and revision of EV and disabled parking provision is required. The deficit in car parking is excessive and

premature. A special contribution for improvement works on Monivea Road and Ballybane More Road is recommended.

8.3. The Consultation Meeting

I refer to the record of the consultation meeting held on 1st February 2021, commencing at 10am, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

- Design and layout
- Residential amenity, including Sunlight and Daylighting
- Access, connectivity and parking
- Landscaping

In relation to the Design and Layout, An Bord Pleanála sought further discussion / consideration on the following:

- The extent of cut and fill proposed across the site and implications in terms of construction methodology where bedrock is encountered.
- The need to ensure consistency and clarity in application documentation in respect of depth to bedrock across the site.
- The treatment of levels across the central public open space and the need to provide usable open space in the interests of residential amenity.
- The relationship with adjoining residential properties.

In relation to the Residential Amenity, including Sunlight and Daylighting, An Bord Pleanála sought further discussion / consideration on the following:

- Clarification on the nature of private open space in Duplex Blocks 1 A and 1B.
- The location and operation of bin storage areas in Apartment Block A & B and the protection of residential amenity.

- The location of bicycle storage in Apartment blocks A & B.
- The assessment and conclusions of the Sunlight Assessment report and consistency with the application drawings and documentation.
- The assessment of daylighting to north facing apartments.

In relation to the Access, Connectivity and Parking, An Bord Pleanála sought further discussion / consideration on the following:

- The nature of improvement works and cycleway provision along the Monivea Road.
- The reference site for trip generation rates and its applicability to this site.
- The extent of car parking and the rationale for level of provision proposed for the site, and extent and location of cycle parking provision.
- The layout of parking and servicing of dwellings.
- Pedestrian connectivity along Ballybane More Road and required improvements in this area.

In relation to the Landscaping, An Bord Pleanála sought further discussion / consideration on the following:

- The viability of landscaping proposals and retention of trees in the context of significant level changes across the site.

In relation to Any Other Business, the prospective applicants raised a query in respect of material contravention requirements. The planning authority reiterated issues in respect of parking, landscaping and interface with adjoining development.

9.0 Conclusion and Recommendation

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

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

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

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow, which 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.

10.0 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 S.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 **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála**

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

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

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. Further detail and clarification with regard to the extent of changes to ground levels proposed across the site should be provided. A construction management plan should be submitted which should describe the proposed construction methodologies and any requirement for rock breaking as part of the proposed works.

Proposals for the landscaping and planting of the overall site, including proposed retention of trees, should have regard to the proposed changes in ground levels.

2. Further detail and elaboration of the treatment of ground levels across areas of public open space should be provided, to include detailed section and plan drawings. The provision of usable and functional open space should be demonstrated, in the interest of residential amenity.

3. Details of areas proposed to be taken in charge by the local authority should be provided.
4. Further detail of the relationship between the proposed development and adjoining residential properties should be provided, to include additional cross-section drawings, and elaboration in particular of how the proposed development will avoid overbearing impacts on those properties given the difference in levels across the sites.
5. Further detail and consideration with regard to the location and operation of communal bin storage in apartment Blocks A and B and how a high level of residential amenity for ground floor residents will be maintained. An operational waste management plan should accompany any application in this regard.
6. A clear and comprehensive assessment of the sunlight and daylight aspects of the development should be provided, which should have regard to the provisions of BRE publication, "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice", by Paul Littlefair. The stated conclusions of the assessment should be clearly supported by the analysis and illustrations contained therein. The assessment should include analysis of daylighting to proposed north-facing apartment units, particularly at lower ground floor level.
7. A review of car parking provision on the site should be provided along with a detailed justification for any departure from development plan standards, having regard to the location of the site and the capacity of existing and future public transport services in this area. Any such justification should include a detailed Mobility Management Plan and Parking Demand Management Plan.
8. Full details should be provided of all road and footpath improvement works along Ballybane More Road required to connect the proposed development to the existing footpath network in the area and to ensure connectivity to local services and amenities. Such details shall include evidence of consent to carry out such works where required.
9. The application should clearly identify the extent of works proposed on the Monivea Road in respect of footpath and cycleway provision and include evidence of consent to any works which may be required in this area.

10. Further detail and analysis should be provided with regard to the relationship of the proposed development, in particular Block B, with Ballybane More Road and the approach from the west. Additional drawings and images should be provided in this regard which should also have regard to the adjoining permitted development to the south.

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.

Conor McGrath

Senior Planning Inspector

02/02/2020