



An
Bord
Pleanála

Inspector's Report ABP-308610-20.

Development	Permission to demolish existing basement structure and construct a 4-storey apartment block, carparking and associated and ancillary development works.
Location	Bothár Stoifáin, Ragoon, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	20/83.
Applicant(s)	Dragamara Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Dragamara Limited.
Observer(s)	Patrick & Ursula Flanagan Helen, Clodagh & William Gormley Bothár Stoifáin Residents' Committee Abraham Duncliffe.
Date of Site Inspection	10/02/2021.
Inspector	A. Considine.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	8
3.1. Decision	8
3.2. Planning Authority Reports	9
4.0 Planning History.....	14
5.0 Policy and Context.....	15
5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018.....	15
5.2. Sustainable Residential Development in Urban areas, Guidelines	
(DoEHLG, 2009):	16
5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):.....	17
5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.....	18
5.5. Design Manual for Urban Roads and Streets (DEMURS), DoTTS,	
March 2013	19
5.6. Development Plan.....	19
5.7. Natural Heritage Designations	20
5.8. EIA Screening	21
6.0 The Appeal	21
6.1. Grounds of Appeal	21
6.2. Planning Authority Response	23
6.3. Observations	23
7.0 Assessment.....	26

7.1. Principle of the development & Compliance with Development Plan,	
National Guidelines & Standards:	26
7.2. Visual & Residential Amenity Impacts:.....	37
7.3. Other Issues.....	39
7.4. Appropriate Assessment	39
8.0 Recommendation.....	39
9.0 Reasons and Considerations.....	40

1.0 Site Location and Description

- 1.1. The appeal site is located in the western environs of Galway City approximately 3 kilometres to the west of the city centre. The site is located between the settlements of Barna and Knocknacarra, in a suburban area on the western edge of the city centre. This area has experienced significant development in recent years, and I note that the site lies across the road from lands identified by Galway City Council for a suburban district centre.
- 1.2. The site is located on the western side of Bothár Stoifáin with the Western Distributor Road, which connects with Bishop O'Donnell Road and the Seamus Quirke Road, approximately 350m to the south. Ragoon Road is approximately 520m to the north of the site.
- 1.3. The site has a stated area of 0.157ha and is square in shape. The site is bound to the west and south by residential development including detached houses to the south and fronting onto Bothár Stoifáin. The residential estates of Caiseal Ur and Cloch Ard comprise the semi-detached housing to the west of the site and the entrance road to Cloch Ard forms the northern boundary of the subject site. The subject site currently comprises undeveloped land and 2 basements which were constructed as part of a previous grant of planning permission on the site.
- 1.4. The subject site lies across the road from The Gateway Retail Park, which operates as a district centre and includes a large Dunnes Stores, Garden/DIY store and office development. The area is also served by other shops and services as well as a primary school and small industrial estate. The boundary to the east of the road is tree lined and public transport is also available along Bothár Stoifáin.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the development which will consist of:
 - (A) Demolition of existing basement structures on site and associated infilling.
 - (B) Construction of a 4- storey apartment block incorporating 18 no. apartment units as follows: 4 no. 1- bed units & 14 no. 2- bed units.

- (C) Provision of 22 no. car parking spaces and secure bicycle parking spaces.
- (D) Provision of all associated surface water and foul drainage services and connections ancillary to the residential development.
- (E) Closure of existing vehicular access to the east of the site at Bóthar Stiofáin and construction of a new vehicular access and a drop -off bay to the north of the site at Cloch Ard, Bóthar Stiofáin.
- (F) Provision of a communal bin storage area. A plant area is proposed at roof level. A vehicle sliding gate, a bin collection point, appropriate landscaping and boundary treatments,

as well as all associated site development works and services, all at Bothár Stoifáin, Ragoon, Galway.

2.2. The application, submitted to Galway City Council on the 27th day of March 2020, included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form;
- Planning Report –

The planning report sets out the planning history of the site and planning policy context for the development. It is submitted that the proposed development is consistent with the requirements of the Core Strategy of the Galway City Development Plan 2017-2023 and complies with the zoning objective afforded to the site.

In terms of compliance with Development Management Standards, the Planning Report notes that the development provides the 15% open space as required by the GCDP. In terms of plot ratio and density, the proposed development exceeds the GCDP requirements. However, the report notes the requirements of the 2018 Apartment Guidelines, noting that higher density developments that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent. With regard to the car parking, again the report references the 2018 Apartment Guidelines where it states that ‘in suburban / urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net

(18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'. In terms of Part V, the applicant proposes to transfer 2 units (10% of the total no of dwellings).

The Report also address the overall design approach for the development, including servicing and lighting proposals.

The Planning Report concludes that the proposed development results in a development which accords with the proper planning and sustainable development of the area while providing an attractive, high quality, contemporary development which enhances the City.

- Services Report -

This report, prepared by Gerard Carr & Associates deals with water supply, surface water and foul water sewers. It is noted that the development will connect to existing public services in the area and Irish Water have been contacted in terms of a pre-construction application.

- Design Statement -

The Design Statement submits that the development proposes 18 residential units on a site covering 0.157ha. This equates to a density of 114.65 units per hectare, a plot ratio of 1.09 and a site coverage of 31%.

The document includes a description of the site and location and includes a number of photographs as visual aids.

The Statement includes a site analysis in terms of regulatory concerns and details the central themes to the design concept.

Appendices to the Design Statement include

- Appendix 1: Overall development statistics
- Appendix 2: Apartment Quality Assessment
- Appendix 3; Computer Generated Images

- Site Lighting Proposals

2.3. On the 7th day of May 2020, the applicant submitted unsolicited additional information to include an Appropriate Assessment Screening Report. The report sets out the characteristics of the proposed development and provides a description of

the baseline ecological environment and the significance of habitats and species identified therein. The report identifies 9 European Sites within the likely Zone of Impact. After comprehensively assessing the location, connectivity, nature and scale of the development, no European Designated Sites are considered to be at risk of significant effects as a result of the subject development. The AA Screening Report also considers the likely cumulative impact of the proposed works on EU sites, in combination with other plans and projects, concluding that no such impacts arise.

2.4. Following a request for further information, the applicant, on the 21st September 2020, submitted a response. The submission is summarised as follows:

- The applicant argued that the proposed development complied with national policy and national guidelines and offered no amendments to the development to address the concerns of the Planning Authority in terms of height, density and design.
- In terms of the communal open space, the applicant submits that the recreation facilities provided in the communal open space area are in excess of the requirements as set out in the Galway City Development Plan and the Design Standards for Apartments 2018. The scheme proposes 338m² of landscaped area, 171m² of which is fully accessible as play and recreation space.
- Standard Sheffield stands are proposed for the 10no. visitor bicycle parking with Pittman HiLo stands proposed for the 32 no enclosed secure resident bicycle parking spaces.
- In terms of sufficient legal interest / right of way through Cloch Ard to access the site, the applicant submitted a letter from their solicitor advising confirmation that the roadway/right of way into Cloch Ard, including the footpath, have been taken in charge by Galway City Council
- In terms of Roads and Traffic issues raised in the FI, a report from Gerard Carr & Associates Ltd is submitted. This report details compliance with DMURS as well as all other relevant documents. It is submitted that the Cloch Ard nameplate is to be replaced with a nameplate on the boundary wall of the new development unless otherwise agreed with the City Council.

- A Road Safety Audit was also submitted by the applicant where a number of problems and observations are made. The Audit concludes recommending that the problems identified, and the associated safety improvement suggestions be studied for implementation.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development, for the following 3 reasons:

1. It is a policy of the development plan to protect and enhance the urban design quality of existing areas and this site is located within an established suburban environment where there is a mix of older conventional dwellings. In such areas it is the policy of the Galway City Council 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*”, March 2018 and the “*Sustainable Residential Development in Urban Areas*”, 2009 require the provision for a sustainable high density of residential housing development / unit delivery per hectare, subject to a design, density and height which would contribute to the surrounding area. However, if permitted, the density, height and configuration of the development is considered inappropriate and excessive for this specific area, while the design is such that it has poor contextual reference, therefore, in combination these failings render the proposal an unsatisfactory and out of keeping addition, in terms of height, scale, mass and density, and if constructed, would result in a building that detracts from the existing high quality established urban environment at this location contrary to the Galway City Development Plan 2017-2023 policies, particularly those set out in Chapters 2, 8 and 11 and associated ministerial guidelines contrary to the proper planning and sustainable development of the area.

2. The development / apartment block, if permitted, at the height and configuration proposed, would be out of character with the surrounding area, be an overbearing structure and would overshadow adjacent residential dwellings, thereby seriously injuring the residential amenities and depreciating the value of property in the area by virtue of its height and subsequent generation of overshadowing. The development would be contrary to the proper planning and sustainable development of the area and the Galway City Council Development Plan 2017-2023 policies, particularly those set out in Chapters 2, 8 and 11.
3. The proposals submitted do not provide for an adequate number of off-road car parking facilities to serve the apartment development and in fact results in a significant shortfall in car parking spaces, and if permitted, would be likely to induce illegal and dangerous parking on the adjacent roadways in the vicinity of this site. The development, if permitted would, accordingly, generate roadside parking creating a traffic hazard and endanger public safety by reason of obstruction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submissions, planning history and the County Development Plan policies and objectives. The report includes an Appropriate Assessment Screening, and the planning officer concurs with the findings of the AA Screening Report submitted by the applicant.

- A. The initial Planning Report considers that the principle of the proposed development is open for consideration as the site would meet most of the exceptions outlined in Policy 2.5 'Outer Suburbs', particularly as it is close to employment, services, retailing, schools and public transportation. The report notes that the insertion of a new multi-level apartment development in this area requires further examination in the context of impacts on the established pattern of development.

The report considers that the site falls within the 'Intermediate Urban Locations' as described in Section 2.4(2) of the 2018 Apartment Guidelines. It is concluded that the plot ratio and density is excessive. Revised plans are required.

In terms of the height, the Planning report notes that the development, if permitted would be a new intervention into the area. It is considered that a revision to the proposed development by omitting a floor would be appropriate, would address the density issue and would reduce the overall height.

The report raises no objections in terms of overshadowing or overlooking. In terms of design, it is submitted that the elevation fronting onto the public roadway should be further enhanced.

Concerns are raised in relation to the provision of open space – which includes an area of car parking, car parking and cycle provision. The report concludes that further information is required.

- B. Following the submission of a response to the FI request, as summarised above in Section 2.4 of this report, the Planning Officer considered the content of the response. The final planning report concludes that the applicant has not complied with the request of the PA and that the arguments put forward do not justify or mitigate the consideration of a development within density and height at this location. The report also notes that no amendments were made to the design to improve the visual built environment. In addition, the report notes the submission in terms of communal open space, parking and roads and traffic issues raised. The planning report concludes that the amended proposed development is not acceptable in terms of car parking, with a 30% shortfall in spaces proposed.

Ultimately, the Planning Officer concludes that while the proposed infill development is open for consideration in principle on the site, the applicant has failed to address significant deficiencies in terms of height, scale, density and design and its regard to the context and setting of the site in an established urban environment. Deficiencies in terms of car parking provision and overshadowing are also cited as concerns and the Planning Officer recommends that permission be refused for the proposed development for

three reasons. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Building Control: No objection to the proposed development. Part II and Part III of the Building Control Regulations apply and a Commencement Notice, Fire Safety Certificate and a Disability Access Certificate are required.

Transportation and Infrastructure Department: The report raises concerns in terms of the proposed set down / drop off areas close to the junction of Cloch Ard and Bothár Stoifáin, notes no permeability, inadequate bicycle parking spaces and no eCar parking provision. In addition, the report notes that no statement or impact assessment in terms of traffic was provided and it is difficult to determine radii from the drawings. No dedicated roads drawings were submitted. With regard to public lighting, no assessment of impact on the public road was included. The report concludes that further information is required. Following the submission of the response to the FI request, no further report was submitted from the Roads Section of the City Council.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with conditions

3.2.4. Third Party Submissions

There are 15 no. third party objections/submissions noted on the planning authority file, including two with multiple signatories, and two from members of Galway City Council. The issues raised are summarised as follows:

- The design, mass and bulk of the proposed development will significantly alter the established character of the area. The apartment block is significantly higher than the existing adjacent residential development.
- The development will have a negative impact on the quality of life of residents already living in the area and the location of the new vehicular access will negatively impact on the safety of children playing in the vicinity.

- The development constitutes an infill development and therefore should accord with Sustainable Residential Development in Urban Areas guidelines. It is submitted that the proposed development does not strike a reasonable balance as required as the development will impact on privacy of the adjacent homes by reason of overlooking and overshadowing.
- The development will also overlook the Montessori to the north of the site.
- The development provides inadequate car parking for the development proposed.
- Road and traffic issues in terms of additional traffic generated and parking.
- The development will devalue existing property in the vicinity.
- The existing Gateway Shopping Centre has recently been expanded and a Drop Off Area and Pedestrian Entrance have recently been developed on Bothár Stoifáin less than 50m from the subject site. The area is bound to get dangerously busy as soon as newly completed shopping units and Montessori School open.
- The density is excessive in the context of the existing residential developments. The development amounts to a gross overdevelopment of the site
- Concerns raised in relation to filling in of the basements.
- The development materially contravenes the City Development Plan and does not accord with national guidelines.
- The site is inaccessible and unsuitable for high density development. There are no local services or facilities within walking distance (500m) of the site.
- The Plan requires a mix in type of residential units in developments over 10 units. There is negligible variety proposed.
- Open space provision is inadequate.
- The artists impressions of the development submitted by the applicant are inaccurate and disingenuously include a large building which does not exist. The buildings in the vicinity of the site are 2 storey residential dwellings.

- Inadequate provision of green space and play areas proposed.
- There is a lack of precedent for such a development in the area.
- The proposed development is to be gated which will result in the overflow parking of residents and visitors illegally in the Cloch Ard estate. This issue already occurs with workers in the businesses across the road park there during the working day.
- A proposed roof garden is indicated on the original site notice but is not referred to in the planning application.

Following the submission of the response to the FI request, a further 5 third party submissions were made to the Planning Authority including a further submission from an elected member of Galway City Council. The submissions are summarised as follows:

- The applicant has offered no solutions to the Council's concerns in terms of the developments' height and density.
- They have indicated that to comply with the City Development Plan, they would have to reduce the gross floor area of the development by 60%.
- The ABP precedents they quote are irrelevant to this application and the Knocknacarra District Centre Scheme (ABP ref 305982) was refused. The Letteragh Road Scheme (ABP ref 304345) immediate surrounds are a lot less populated and it was set in a much larger green area. Not comparable to the subject site.
- The applicant has failed to comply with the Development Plan requirements re car parking, recreational facilities.
- Does not accept that the roads and traffic issues are addressed and considered safe.
- The development is inappropriate, incongruous and will be injurious to the amenity and value of adjacent properties.
- The submission offers no solution to the overbearing nature of the development on properties immediately adjacent.

- The level of densification would be more appropriately located in a site with a central or accessible urban designation in terms of the Apartment Guidelines 2018.
- To facilitate the density proposed, 114 units per hectare, the proposal should satisfy a number of transport criteria including being within reasonable walking distance (up to 10 minutes) to / from high-capacity urban public transport stops (such as DART or Luas) or within easy walking distance (up to 5 minutes) to / from high frequency urban bus services. The area does not benefit from such services.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site. The subject site comprises the northern area of the following:

ABP ref PL.61.215716 (PA ref: 05/753): The Board, on appeal, granted permission for 9 no. 2 storey detached houses with attic rooms developed and all associated services.

PA ref: 06/485: Permission was granted for 8 no. 2 storey detached dwelling houses over basement with attic rooms developed and four different elevation styles. This application comprised a variation of the house type previously permitted by the Board.

PA ref: 13/229: Permission for retention of basement areas and site works as constructed under PI. Ref. 06/485 granted. Permission also granted for 4 no. 2 storey detached dwellings with attic rooms over basement.

This application site comprises the subject site and the area of the adjacent house to the south. Of the above permitted development, 4 detached houses have been constructed with the basement of 3 other houses constructed. The most northern area of the site remains undeveloped. Two of the three basements are to be demolished to accommodate the proposed development. The site immediately to the south of the subject appeal site is not included.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 50% of all new housing is to be delivered within the existing built-up areas of the five cities.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
 - National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 5.1.3. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

- 5.2.4. Section 5.7 deals with Brownfield lands and notes that where significant sites exist and, in particular, are close to existing or future public transport corridors, the opportunity for their re-development to higher densities, subject to the safeguards expressed above or in accordance with local area plans, should be promoted, as should the potential for car-free developments at these locations.
- 5.2.5. Section 5.9 deals with Inner suburban / infill sites and notes that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division of dwellings.

5.3. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

- 5.3.1. These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:
- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
 - Make better provision for building refurbishment and small-scale urban infill schemes;
 - Address the emerging 'build to rent' and 'shared accommodation' sectors; and
 - Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

5.3.2. The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking. Chapter 5 deals with Build to Rent schemes.

5.3.3. The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.4. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

5.4.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of City Development Plans.

5.5. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

- 5.5.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.6. **Development Plan**

- 5.6.1. The Galway City Development Plan 2017 – 2023 is the relevant policy document pertaining to the subject site.
- 5.6.2. Section 11.2 of the CDP deals with Land Use Zoning and the subject site is zoned, Objective R. Section 11.2.8 deals with Residential R and Low Density Residential LDR Land Use Zoning Objective and 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”*.
- 5.6.3. While the development plan includes specific development objectives for a number of ‘R’ zones throughout the city, I note that the subject site is not located within the ‘R’ zone identified in the vicinity of the subject site. The site is located within an Outer Suburb and in this regard, Section 2.5 of the City Plan is relevant. This section of the Plan requires that new residential development will have regard to its surrounding context, provide for linkages with local facilities, a mix of house types and a layout that will provide for a high-quality living environment. Infill development in the outer suburbs will have regard to the context of the area and will not adversely affect the character of an area. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces.
- 5.6.4. The Council will require that all new developments take into consideration, a number of principles that contribute to the creation of sustainable neighbourhoods including

residential densities, context for new neighbourhoods, street and movement, homezones, mix of house type and tenures, universal design, sustainable housing, open space and amenities, provision of services and community facilities, placenames and redevelopment. In terms of 'redevelopment' the Plan states

In the interest of protecting the amenity of existing residential neighbourhoods in the outer suburbs, demolition of existing dwellings for higher density apartment development will not be acceptable. Exception to this policy will only be considered on recently zoned residential lands, undeveloped lands where no pattern of development has been established, on main distributor roads where mixed uses have already been developed and where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.

5.6.5. Section 11.3 of the plan deals with residential development and 11.3.1 sets out the development management standards for residential developments in the Outer Suburbs. The following elements are considered relevant:

- 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 developments.
- Gated residential developments will be discouraged.
- A plot ratio of 0.46:1 for new residential development shall not normally be exceeded.
- Residential developments of 10 units and over shall normally provide a mix in type of residential units.

5.7. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA)(Site Code: 000268) is located approximately 1.4km to the south of the site and the Inner Galway Bay SPA (Site Code: 004031) is located approximately 1.7km to the south of the site.

5.8. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal prepared by MKO Planning and Environmental Consultants on behalf of their client Dragamara Ltd against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal document sets out the background to the development, including planning history and policy context as well as presenting a planning assessment for the development. The grounds of appeal are included in Section 6 of the appeal document and are summarised as follows:

- Reason for refusal no. 1:
 - There is an inherent contradiction in reason for refusal no. 1.
 - The site is an established suburb of Galway City in close proximity to the public transport network and range of services and amenities.
 - There is an identified and accepted requirement to accommodate higher density residential development in 'Intermediate Urban Locations'.
 - Higher density development requires larger and taller buildings which often reflect a density, scale and building typology which is not commonly found in the suburban areas.
 - It is not possible to deliver higher density which strictly adheres to the established urban environment as referred to in the Planners report.

- To refuse permission on the basis of alleged 'lack of contextual reference' undermines the central tenets of the Sustainable Urban Housing Guidelines.
- The design of the proposed development has been carefully considered to ensure that it represents a high quality intervention at this location and will provide a high level of amenity for future residents.
- The FI response made reference to a number of higher density precedents which are considered relevant. The Planners report dismisses them on the basis that their locations are 'very different' to the proposed development. This is not accepted, and the precedents are discussed.
- It is further submitted that the residential density standards set out in the CDP predate the NPF, RSES and national Guidelines, all of which promote higher densities.
- Reason for refusal no. 2:
 - This reason reiterates some of the points made in reason no. 1.
 - The reason alleges that the development will depreciate the value of property in the area, but no evidence or justification is provided. It is requested that this allegation be disregarded by the Board.
 - In terms of the potential overshadowing, a Shadow Analysis is submitted.
 - This analysis concludes that the overall impact on the development in overall context of overshadowing is considered to be low and does not warrant refusal of planning permission on the basis of impact on existing residential amenity.
- Reason for refusal no. 3:
 - The proposed development provides 0.88 car parking spaces per unit.
 - Section 4.21 of the Sustainable Urban Housing Guidelines, states that for housing schemes with more than 45 dwellings per hectare, PAs must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
 - A total of 16 car parking spaces are proposed.

- The site lies in close proximity to 4 bus routes which are major arterial public transport routes linking the western suburbs with Galway City Centre. The routes operate every 15 minutes and the bus stop is located in proximity to the site.
- The site is located within a reasonable cycling distance to major employment locations, services and amenities.
- The PA accept that the site is categorised as in 'Intermediate Urban Location' but does not appear to have given due consideration to the fact the PA must consider a reduced overall car parking standard.
- The position taken by GCC represents a disregard for the explicit direction in the 2018 Apartment Guidelines to apply a reduced car parking standard for new apartment developments.
- The refusal reason goes on to compound the issue by suggesting that the development will generate illegal and dangerous car parking in the vicinity of the application site. No evidence or coherent rationale is provided in respect of this allegation.
- It is submitted that the position of the PA contravenes the provisions of national guidance pertaining to achieving more sustainable patterns of development. On this basis, it is requested that this reason for refusal be set aside.

The appeal includes a number of enclosures including shadow analysis drawings. It is requested that permission be granted.

6.2. Planning Authority Response

None.

6.3. Observations

There are 4 observations noted in relation to this first-party appeal from Patrick & Ursula Flanagan, Helen, Clodagh & William Gormley, Bothár Stoifáin Residents' Committee and Abraham Duncliffe. The submissions are summarised as follows:

- All support the decision of Galway City Council to refuse permission.

- The density, height and configuration of the development is inappropriate and excessive for the area.
- No issue with the development of the site but it should be in keeping with the housing estates in the surrounding area in terms of height, scale, mass and density.
- Roads and traffic issues remain a concern.
- Inadequate car parking proposed.
- The development will be overbearing due to the proposed height.
- The excessive density is wholly inappropriate to the local context, would set an undesirable precedent and would have inevitable adverse consequences in respect of neighbourhood functions and residential amenity.
- The site is a 0.157ha infill site in a low density, outer suburb of Galway. Most residents commute out of the area for work.
- In terms of convenient walking distance catchment, it is more restricted than described in the application and appeal.
- The appeal is primarily reliant on a very liberal interpretation of the 2018 guidelines for apartment development in 'intermediate urban locations'. It is the opinion of an appellant that the site does not correspond to the profile of an intermediate urban location described in the guidelines.
- It is submitted that the description of the development is misleading in the grounds of appeal.
- The shadow analysis submitted in the appeal indicates significant morning overshadowing of existing houses west of the site for the greater part of the year. The appeal does not address potential overlooking.
- The arguments raised in terms of parking and traffic issues raised by the PA are unconvincing given the context of the site.
- While the site may be suitable for an apartment development, it would be on a much smaller scale than proposed.

- The first party failed to address the concerns of third parties in terms of residential and visual amenity.
- There are no reasonable, robust and objective planning arguments for the Board to go outside the normal standards and scale of development that would be acceptable in a location such as this that is primarily two storeys in height.
- The development does not comply with the requirements of the City Development Plan or the Galway Metropolitan Area Strategic Plan 2019
- The density is excessive.
- The development fails to respect the established building line and surrounding land use context and will have a material and significant reduction in the value of property.

It is requested that the Board uphold the decision of the PA and refuse permission for the development as proposed.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with Development Plan, National Guidelines & Standards
2. Visual & Residential Amenity Impacts
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the development & Compliance with Development Plan, National Guidelines & Standards:

- 7.1.1. The subject site is located on lands zoned R in the Galway City Development Plan 2017-2023. It is the stated objective of this zoning *“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”*.
- 7.1.2. The site is located within an Outer Suburb of Galway City and in this regard, Section 2.5 of the City Plan is relevant. This section of the Plan requires that new residential development have regard to its surrounding context, provide for linkages with local facilities, a mix of house types and a layout that will provide for a high-quality living environment. Infill development in the outer suburbs is also required to have regard to the context of the area and will not adversely affect the character of an area. In this respect, infill development will have regard to the existing pattern of development, plots, blocks, streets and spaces. In addition, the CDP requires that all new developments take into consideration a number of principles that contribute to the creation of sustainable neighbourhoods and with regard to redevelopment, the Plan states:

In the interest of protecting the amenity of existing residential neighbourhoods in the outer suburbs, demolition of existing dwellings for higher density apartment development will not be acceptable. Exception to this policy will only be considered on recently zoned residential lands, undeveloped lands where no pattern of development has been established, on main distributor roads where mixed uses have already been developed and where the existing form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.

7.1.3. Having regard to the location of the subject brownfield site, on serviced lands, zoned for residential purposes together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for residential purposes is acceptable. The principle, however, is subject to all other planning considerations including issues relating to roads and traffic, visual and residential amenities and other considerations.

7.1.1. The development proposes 18 apartments to be constructed comprising one and two bed units, all with balconies or terraces in a building rising to 4 storeys in height, and a height of 12.75m. The building will use a painted white smooth render finish as the primary elevation treatment, with pre-painted copper standing seam cladding to match existing adjacent buildings. Metalworks and windows and door frames will have a dark grey finish and the design incorporates glazed curtain walling and windows. Balustrades to balconies will be fully transparent glass. The development proposes a communal open area to the south of the site covering 338.8m² (amended site layout). The details submitted indicate that of the 18 apartments, 4 are single aspect. I would suggest however, that Apartments 5, 10 and 15 are also single aspect, which would amount to 7 units being single aspect. Car parking will be provided at surface level with 16 spaces, including 1 accessible space, proposed. Provision is also made for 32 no enclosed secure resident bicycle parking spaces, with Pittman HiLo stands proposed. In addition, Standard Sheffield stands are proposed for the 10no. visitor bicycle parking.

7.1.2. The Board will note that the development relates to a site with an area of 0.157ha with a proposed a site coverage of 31% and plot ratio of 1.09. This equates to a

density of 114.65 units per hectare. The mix of units proposed is 4 x 1 bedroom apartments and 14 x 2 bedroom apartments. In terms of the Development Plan standards, the following is relevant:

	Proposed	Development Plan
Site Coverage	31%	Not specified
Plot Ratio	1.10:1	0.46:1
Density	114.65	Not specified
Public Open Space	338.8m ² (21%)	235.5m ² (15%)

7.1.3. In terms of City Development Plan Development Standards, it is clear that the proposed development significantly exceeds the standards above as they relate to plot ratio. While the Plan does not specify a density for residential zoned lands, it does seek to comply with national guidelines.

7.1.4. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that there should be no upper limit to density on City Centre sites subject to qualitative safeguards. In areas close to public transport corridors minimum densities of 50 units per hectare should be applied subject to those safeguards. The density proposed in the amended proposed development is 114.65 units per hectare. The Board will note that the density of residential developments in the immediate vicinity is significantly lower given the nature of previously permitted development. As such, the proposed density is considered high.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018

7.1.5. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address

the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.1.6. In addition to the above I note that the applicant has sought to locate the subject site within an 'established suburb' and 'Intermediate Urban Location'. In the context of the Galway City Development Plan, the site is located within a clearly identified 'Outer Suburb' and not an established suburb, where the PA considers higher densities to be appropriate when new residential development has regard to the prevailing pattern, form and density of established suburbs. In addition, Section 11.3.2 of the CDP facilitates a reduced amenity standard and a reduction in car parking standards in established suburbs.

7.1.7. In terms of the location of the site within an Intermediate Urban Location, Section 2.4 of the Guidelines is relevant in that it identifies the types of location in cities and towns that may be suitable for apartment development. The Guidelines identify the following areas:

1. Central and/or Accessible Urban Locations
2. Intermediate Urban Locations
3. Peripheral and/or less Accessible Urban Locations

In terms of Intermediate Urban Locations, the guidelines state as follows:

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net) including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak

hour frequency) urban bus services or where such services can be provided;

- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

The range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

7.1.8. Having regard to the information submitted, and notwithstanding the indication that the area is located with access to regular public transport services, I would not consider that the site location reflects the criteria above. Other than the Gateway Retail Park, which is located within a 5 minute walk of the site, all other suburban centres or employments locations, including hospitals and third level institutions, lie beyond the 1km distance stipulated. The bus frequencies are also outside the 15 minute frequency requirement and there is no high capacity urban public transport in Galway. As such, I would question the suggestion that the site is suitable for the density of development as proposed.

7.1.9. Chapter 3 of the Guidelines provide Design Standards and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines require that the minimum floor areas be applied to apartment developments. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
4 x One bedroom	45.0m ²	3 x 51.9m ² 1 x 60.7m ²	216.4m ²
14 x Two bedroom	3 person = 63.0m ² 4 person = 73.0m ²	4 x 85.7m ² 4 x 84.8m ² 4 x 92.0m ² 2 x 83.3m ²	1,216.6m ²
18 units in Total			1,433m²

The development proposes 18, 1 and 2 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23.0m ²
Two bedrooms (4 person)	3.6 m	30.0m ²

All units generally accord with the above requirements and I am satisfied that the development proposes bedrooms of a size which comply with the requirements in terms of width and floor areas.

b) Safeguarding Higher Standards

It is a requirement that ‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)’.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
22.2% 1-bed units	4	4 x 45m ² = 180m ²
77.8% 2-bed units	14	14 x 73m ² = 1,022m ²
Total	18	1,202m²

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	4	4 x 4.5m ² = 18.0m ²
2-bed units + 10%	14	14 x 7.3m ² = 102.2m ²
Total	18	120.2m²

Total Required Minimum Floor Area therefore is 1,322.2m². The actual proposed floor area of the residential element of the overall development, is 1,433m². I am satisfied that the proposed development is acceptable in this regard.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 18 apartments in a single block with communal amenity space provided in the form of a communal area at ground level.

The details submitted indicate that of the 18 apartments, 4 are single aspect. I would suggest however, that Apartments 5, 10 and 15 are also single aspect, which would amount to 7 units being single aspect. All apartments have a western, southern or eastern aspect with the single aspect units having southern or eastern aspects and all balconies / terraces are south or east facing.

The Guidelines require that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations. Where there is greater flexibility in terms of design, it is an objective that there shall be a minimum of 50% dual aspect apartments.

Even with my assessment of the dual aspect apartments proposed, the development proposes +50% of the units with dual aspect. I am generally satisfied that the proposed development accords with the requirements of the Guidelines in this regard.

d) *Floor to Ceiling Height:*

It is a specific policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings, to ensure the adaptability of the ground floor areas where they adjoin busy commercial streets with significant pedestrian footfall. The submitted plans provide a floor to ceiling height of 2.7m at ground floor level with the upper floors having a floor to ceiling height of 2.5m. This is acceptable.

e) *Lift & Stair Cores:*

A central core area is proposed to serve the development, with a maximum of 5 units served per floor. Having regard to the scale of the proposed

development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².' The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

One bedroom	3 sq m
Two bedrooms (4 person)	6 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment. However, I note that on the floor plans, certain storage areas are identified using broken lines. It is not clear if these storage areas are fully intended to be provided and are omitted in other plans submitted. Should the Board be minded to grant permission in this instance, the matter of storage should be fully conditioned to ensure compliance with the national guidelines. No external storage is proposed.

g) *Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of balconies or terraces. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

One bedroom	5 sq m
Two bedrooms (4 person)	7 sq m

All apartments are provided with balconies or terraces, all of which appear to meet the minimum requirements, and all private open spaces adjoin and have a functional relationship with the main living areas of the apartments.

h) Security Considerations

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

The submitted details indicate that there will be two accesses to the ground floor apartments, one pedestrian access from Bothár Stoifáin and one from the car park. The design proposes an access to the common areas of the building, including the lift, from the north as well as from the western elevation, adjacent to the car park and bike storage area.

In terms of the communal amenity space, the design proposes a play area, swing set and a seating area around a tree. I also note that the planting scheme is to be based on the 'All Ireland Pollinator Plan'. I am satisfied that the development is acceptable in this regard.

7.1.10. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the scale of the proposed apartment block as part of the development, I am satisfied that there is no requirement for a communal room and that the landscaped communal open area is adequately sized.

7.1.11. In terms of the refuse storage, the Board will note the intention to provide a bin storage area, which will have a stated area of 17.3m², at the north west corner of the building. The layout plan indicates that 6 commercial sized bins are to be provided. The plans also identify a bin collection point within the car parking area, which is to be located on the street side of the proposed vehicle sliding gate. I would note that the space proposed to hold bins for collection would not accommodate all of the 6

bins identified. In addition, I would have concerns that the location of this holding area would impact on the use of the adjacent car parking space. However, I have no objections in principle to the development in this regard.

- 7.1.12. Car parking and bicycle parking is proposed at surface level. The Guidelines promote the location of apartments which have access to public transport and other sustainable transport modes. Where it is appropriate to reduce car parking provisions, high quality cycle parking and storage facilities should be provided.
- 7.1.13. The proposed development provides for 16 car parking spaces, including 1 accessible space, and 32 enclosed bicycle parking spaces for residents and an additional 10 bicycle spaces for visitors. The guidelines require that 1 cycle storage space per bedroom is applied. The development proposes 32 bicycle spaces. In the context of the proposed development, 32 cycle parking spaces are required. The development therefore accords with the guideline requirements as they relate to the provision of cycle parking.
- 7.1.14. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. Where it is sought to eliminate or reduce car parking provision, it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired.
- 7.1.15. The Board will note that the Galway City Development Plan 2017-2023 requires 1 parking space per apartment unit plus 1 visitor space per 3 units. As such, the development has a requirement for 24 parking spaces. The Planning Authority has considered this shortfall to be excessive and has raised concerns that the reduced number of parking spaces may result in overspill onto the adjoining road network, creating a traffic hazard and endangering public safety by reason of obstruction.
- 7.1.16. The applicant / appellant submits in the appeal, that the site is located in close proximity to 4 identified bus routes which are major arterial public transport routes linking the western suburbs with Galway City. The Board will also note the submission that the site is within a reasonable cycling distance to major employment locations, services and amenities. As such, the provisions of the Sustainable Urban

Housing: Design Standards for Apartments Guidelines require that the PA must consider a reduced overall car parking standard. It is further considered that no evidence or coherent rationale is provided with respect to the allegation that the development will generate illegal and dangerous car parking in the vicinity of the site. It is submitted that the level of car parking proposed is sufficient and accords with the proper planning and sustainable development of the area.

7.1.17. While I accept the principle of providing reduced car parking spaces, I have concerns in terms of the development and the impact on roads and traffic. I have further concerns regarding locating the site within an 'Intermediate Urban Area', which may facilitate a reduced car parking provision. I would also note that third parties have raised concerns in terms of the impact of the development on the road and traffic in the vicinity of the site, and notwithstanding the submission of the applicant, I would not consider that the site is located within an area which has the high levels of public transport facilities suggested.

Conclusion:

7.1.18. Overall, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within an outer suburb of Galway City and the zoning objective afforded to the site. I am satisfied that, in principle, the proposed development complies with the general thrust of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018. In this regard, the following is relevant:

- I am satisfied that the building has been designed to provide appropriate access to the building.
- In terms of community facilities, having regard to the minimal scale of the development, I am satisfied that such facilities are unnecessary.
- With regard to communal amenity space, I am satisfied that the proposed communal open space area is acceptable, and all units have been provided with an area of private open space in accordance with the guideline requirements.
- In terms of bicycle parking and storage, I am satisfied that the proposed development is acceptable.

7.1.19. However, and while I acknowledge that the guidelines facilitate the reduction in the provision of car parking spaces, or the elimination of such provision in certain circumstances, given the location and context of the site, I have concerns in terms of roads and traffic implications associated with the proposed development. In addition, the Board will note my concerns in terms of the provision of storage within the units, as well as clarification being required with regard to the bin holding area identified on the submitted plans. In addition, I propose to consider the visual and residential amenity impacts arising from the proposed development further below.

7.2. Visual & Residential Amenity Impacts:

- 7.2.1. With regard to the visual impacts arising from the proposed development, I would note that in principle I have no objection to the overall design of the apartment building as presented. I am generally satisfied that the design has sought to reflect elements and materials used in the existing houses to the south of the site. However, given the designs of the wide residential developments, clearly a four storey, flat roofed apartment block does not reflect the lower density residential developments in the area.
- 7.2.2. The scale of the proposed building will have a significant visual impact on Bothár Stoifáin in that there are no existing comparative developments. While this of itself should not preclude appropriate development, in the context of the site location within an outer suburb of Galway City, together with the relevant City Development policies and objectives, I do not consider the scale of the development to be acceptable or appropriate.
- 7.2.3. In terms of impacts on residential amenity, I would agree with the third parties that the introduction of the proposed apartment block, of the scale proposed, would significantly impact on existing residential amenities by reason of overshadowing, overlooking and overbearing. In particular, I note the location of a Montessori school to the north, and just across the Cloch Ard estate road. The development will result in potential overlooking of this property and will result in significant overshadowing of the open spaces associated with the site. In addition, the property to the west of the site will be significantly impacted by reason of overlooking and with increased overshadowing in the mornings. Given the proposed height and scale of the block

proposed, the development will be an overbearing feature in the context of the wider residential area.

- 7.2.4. Overall, I consider that it is the density of the development proposed that is the primary concern. Should the Board be minded to grant planning permission in this instance, I would strongly recommend that the first floor be omitted, including apartments 4, 5, 6, 7 and 8, as well as apartments 9 and 14, to increase the separation distance between the upper floors and the adjacent residential property to the west. The omission of these units will still result in a development which has a significantly increased density in the context of the surrounding developments at approximately 70 units/ha. This figure is also significantly in excess of the >45 as set out in the guidelines for the area.
- 7.2.5. In addition, I note that it is indicated that the development will be a 'gated' development. The Galway City Development Plan 2017-2023 seeks to discourage gated residential developments in the city. It is widely held that gated communities generally serve to exclude and divide established communities and prevent permeability and connectivity. Compounded by the proposed gated development, the Board will note the proposal to provide a reduced number of car parking spaces. I am not satisfied that this matter has been adequately addressed by the applicant / appellant. I am not satisfied that the site is located in an area where such a significant reduction in car parking spaces is advisable. However, should the Board be minded to grant permission, and subject to the omission of the seven units as recommended above, adequate car parking will be available to serve the development on site. In the event of a grant of planning permission, the gated element of the development should also be omitted.
- 7.2.6. However, the Board will note that the applicant / appellant has already been advised by the Planning Authority to reduce the density and scale of the development, as well as addressing car parking issues previously. No amendments to address the concerns were presented.
- 7.2.7. As such, I recommend that the development in its current form, be refused permission.

7.3. Other Issues

7.3.1. Water Services:

I am generally satisfied that the proposed development can connect to public services in the area. I have no objections to the development in terms of servicing.

7.3.2. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.4. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA)(Site Code: 000268) is located approximately 1.4km to the south of the site and the Inner Galway Bay SPA (Site Code: 004031) is located approximately 1.7km to the south of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the design, height, scale, mass and density of the proposal, on a small and restricted site, together with the proximity of the development to adjoining properties and inadequate car parking within the proposed gated development, it is considered that the proposed development would constitute overdevelopment of the site and would excessively overlook and overshadow adjoining properties. The proposed development sits forward of the established building line along Bothár Stoifáin and fails to integrate or be compatible with the design, density and scale of the adjoining buildings. As a result, the development would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area. The proposed development would, therefore, by itself and the precedent it would set for other development, seriously injure the amenities, and depreciate the value, of property in the vicinity, would be contrary to the provisions of the Galway City Development Plan 2017-2023, the Ministerial Guidelines "*Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities*", March 2018 and would be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

13th February 2021