



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-309391-21**

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#### **Strategic Housing Development**

102 no. residential units (35 no. apartments, 67 no. houses), childcare facility and associated site works.

#### **Location**

Lands to the south of Rosshill Road, and west of Rosshill Stud Farm Road, Co. Galway.

#### **Planning Authority**

Galway City Council

#### **Prospective Applicant**

Alber Developments Ltd

#### **Date of Consultation Meeting**

01<sup>st</sup> of April 2021.

#### **Date of Site Inspection**

25<sup>th</sup> of March 2021.

**Inspector**

Karen Hamilton

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	6
5.0 Relevant Planning Policy .....	9
6.0 Section 247 Consultation(s) with Planning Authority .....	11
7.0 Prospective Applicant's Case .....	11
8.0 Planning Authority Submission .....	12
9.0 Irish Water .....	14
10.0 The Consultation Meeting .....	15
11.0 Assessment.....	17
12.0 Recommended Opinion .....	18

## **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 subject site (10.06 ha in area) is located in the eastern suburbs of Galway City, in the townland of Roscam, immediately south of the Galway to Dublin railway line. The site is located between the existing residential suburbs of Roscam (850m to the northeast), and Murrough (1.2km to the northwest).
- 2.2. The site is accessed from the Rosshill Road, which radiates south from the Old Dublin Road. A footpath has been extended from the existing City suburbs (Murrough) up to a new housing development (Ross Alta) north of railway line along the Rosshill Road.
- 2.3. The site is currently undeveloped greenfield lands, surrounded in the most part by one-off rural dwellings. Pasture lands associated with Rosshill Stud Farm are located to the south of the site, beyond the applicant's land holding. There is a significant number of mature trees and hedging on the site and there is a large woodland along the north of the site, adjoining the railway line.
- 2.4. Planning permission (ABP 306413-20) was previously refused on a larger site, also within the applicant's land holding, and this pre application submission relates to the northern portion of the previously refused site.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of:

- a) The demolition of an existing silage apron (40m<sup>2</sup>),
- b) Construction of 102 no residential units comprising of 35 apartments and 67 houses,
- c) Upgrade of the Rosshill Road and extension of footpath along the road,
- d) Construction of a new pumping station which has been sized to cater for future possible development to the south of the site and possibly future phasing within the current ownership
- e) All other associated works.

3.2. Key Figures

<b>Site Area Net</b>	4.727 ha
<b>Site Area Gross</b>	2.87ha minus road works, pumping station and wooded parkland.
<b>No. of Residential Units</b>	102
<b>Unit Types</b>	67 Housing Units (65.7%) 35 Apartment Units (34.3%)
<b>Density</b>	35.8 units per hectare (gross area)
<b>Plot Ratio</b>	0.40
<b>Site Coverage</b>	c.15.34%
<b>Childcare Facility</b>	398m <sup>2</sup>
<b>Other Uses – retail/commercial space</b>	199m <sup>2</sup>
<b>Public Open Space</b>	4.370m <sup>2</sup> (15.20%)  Linear park- 3,622m <sup>2</sup> Pedestrian Plaza - 301m <sup>2</sup> Central Green- 459m <sup>2</sup>
<b>Height</b>	2-4 storeys

<b>Part V</b>	10 units
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### 3.3. Unit Mix

	Number	Percentage
One bed	11	10%
Two bed	24	23%
Three bed	54	53%
Four bed	13	14%
Total	102	100%

## 4.0 Planning History

### SHD application ABP 306413-20

Permission refused for 342 no. residential units (185 no. houses, 157 no. apartments), childcare facility and associated site works for three reasons as follows:

1. Having regard to the proximity of the subject site to the Inner Galway Bay SPA (004031), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and having regard to the information provided with the application, including the Natura Impact Statement and the **absence of seasonal bird surveys for the site**, in light of the assessment carried out the Board cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Inner Galway Bay SPA (004031), in view of the site's conservation objectives and qualifying interests. In such circumstances the Board is precluded from granting planning permission for the proposed development.

2. The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the **Merlin Park No 1 Pump Station** and the period within which this constraint may reasonably be expected to cease.
3. Having regard to the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which includes key criteria such as context, connections, variety and distinctiveness, it is considered that the proposed development results in **poorly defined and overlooked streets** and open spaces, a **high number of cul-de-sacs**, and a lack of variety and distinctiveness in the design of the dwellings, which would result in a substandard form of development, and would be seriously injurious to the residential amenities of future occupants. Furthermore, it is considered that the development **fails to integrate existing trees/woodland satisfactorily** into the layout of the development and, as such, would be contrary to specific development objectives for the site as set out under chapter 11 of the Galway City Development Plan 2017-2023 which seeks to retain the **sylvan character of the landscape**. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

### **Reg Ref No. 05/352**

Permission refused for the construction of a 137 unit residential development consisting of 16 no. 4-bed detached houses, 15 no. 5-bed detached houses, 26 no. 2-bed townhouses, 73 no. 3-bed townhouses, 7 no. 4-bed townhouses, a crèche (215 sq. m.) a shop (215 sq. m.), a new access to Old Dublin Road and all associated external and site development works. Permission was refused by GCC for five reasons, as follows:

1. The proposed development will be in conflict with the policies and objectives of the Galway City Development Plan relative to the LDR zoning and Outer

Suburbs neighbourhoods. In particular in that it does not achieve 'a balance between the reasonable protection of the residential amenities of outer suburbs and the protection of the established character and the need to provide for sustainable residential development' and in that it does not have sufficient regard to the prevailing pattern, form and density of the existing area.

2. The proposed development by virtue of layout, housing design, house types, private open space provision and lack of regard to existing landscape characteristics would result in a substandard unacceptable development.
3. The proposed development would result in a traffic hazard owing to insufficient sight lines at the junction of the access road with the Old Dublin Road.
4. The drainage arrangements consisting of pumping and an associated rising main have been deemed inappropriate in the context of the overall planning and development of the area as they are not part of a strategic drainage resolution which would service this development and other future developments in Roscam.
5. The proposed development has failed to achieve specific development objectives for this site as indicated in Figure 11.11 of the City Development Plan, in particular with regard to traffic, drainage and the protection of the sylvan character of the area.

### **Reg Ref 06/816**

Permission GRANTED (now expired) for the construction of (i) a 99 unit residential development (18,871 sqm) consisting of 43 no. 5-bed detached houses, 16 no. 4-bed detached houses, 25 no. 2-bed apartments, 2 no. 3-bed apartments, 12 no. 2-bed duplexes, 1 no. 3-bed end terrace house, (ii) a crèche (350 sqm), (iii) a new access to the Rosshill Road, (iv) an upgraded junction onto the Old Dublin Road, (v) ESB Substation, (vi) Pumping house, (vii) Car parking (225 no. spaces at surface level and 60 no. spaces underground) and (viii) all associated external and site development works.



## **5.0 Relevant Planning Policy**

### **National Policy**

#### **5.1. Project Ireland 2040 - National Planning Framework**

- Objective 2a is that half of future development will be focussed on existing five cities and their suburbs.
- Objective 3b is that 50% of new homes would be within the footprint of existing City settlements.
- Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities.
- Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

#### **5.2. Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

### 5.3. Galway City Development Plan 2017-2023:

The site is subject to zoning objective

- Low Density Residential (LDR): where it is an objective “*To provide for low-density residential development, which will ensure the protection of existing residential amenity*”.

There are specific development objectives for LDR lands subject of this proposed development in Fig. 11.13 of the CDP, entitled LDR ‘Roscam Pitch and Putt and adjacent lands’.

These specific objectives are ‘subject to design, environmental assessments, water and wastewater services and traffic safety. Communal open space and recreational facilities may be a requirement in certain circumstances’:

- The maximum plot ratio density of 0.2:1 shall only be considered following agreement on an overall layout of the area.
- This layout will have regard to the sylvan character of the site and where appropriate the protection of existing trees and the Roscam Folly.
- Development will only be considered where it accords with strategic main drainage proposals.

Policy 2.9 Low Density Residential Areas of the CDP states that it is the policy of the Council to:

*‘protect the character of these areas by ensuring new development has regard to the prevailing pattern, form and density of these areas’ and to ‘protect the characteristics of these areas through development standards and guidelines’.*

Map Based Objectives:

- Public Transport Corridor is identified along the northern side of the railway line, adjoining the site – the public transport corridor is zoned RA (Recreational and Amenity). This corridor is identified in the GTS as a potential greenway corridor as part of the proposed cycle network for the city.
- Indicative Greenway Cycle Network - This proposed route is positioned along the coast to the city.

- An arterial bus route (as identified by the Galway Transport Study) is highlighted along the R338/Old Dublin Road.

A folly structure located to the south, outside the site is recorded on the RPS with the reference number – 8803 (Roscam Folly) and is also a recorded monument.

Rosshill Railway Bridge (RPS 8806, NIAH 30409423) is a protected structure.

## **6.0 Section 247 Consultation(s) with Planning Authority**

6.1. The submission from the PA includes the minutes of two S247 meetings held on the 03<sup>rd</sup> of December 2020 and the 14<sup>th</sup> of January 2021. The issues raised have been summarised as follows:

- The proposed development refers to Phase 1 of the scheme.
- Query if the woodland heritage will be protected.
- The road realignment will be required and there should be further discussions.
- The layout should reduce cul-de-sacs, ensure the crèche promotes passive surveillance and addresses pedestrian surveillance.
- The second scheme proposed is much better than initially submitted.
- The location of the crèche and commercial element at the entrance provides active frontage.
- The details of car parking need to be addressed.
- Cross sections and finished floor levels should be submitted to illustrate the landscaping details.

## **7.0 Prospective Applicant's Case**

### **7.1. Statement of Consistency**

The applicant's Statement of Consistency includes reference to national, regional and local policy and concludes that aside from the height the overall proposal is in compliance with planning policy.

## 7.2. Material Contravention Statement

A material contravention statement accompanied the documentation in relation to:

- **Plot Ratio**

LDR zoning objective allows a maximum plot ratio density of 0.20:1. The proposed development includes a plot ratio of 0.40:1.

The material contravention submission refers to the national and regional guidance which requires sustainable use of lands. To development of these lands at 0.20:1 would generate a density of 20 units per ha. The sustainable residential guidelines require the provision of a residential density in the range of 35-50 units per ha. The applicant considered the development plan requires the implementation of these guidelines, therefore there is a clear conflict with policy.

- **Car parking**

The proposed development includes 183 no car park spaces. In line with the development plan, there is a requirement to provide 201 spaces. Therefore, there is a shortfall in 18 spaces.

It is argued that the provision of the car parking spaces for the crèche and commercial space can allow an overlap of dual use for the apartment units.

## 8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Galway City Council, submitted their opinion in relation to the proposal on the 04th of March 2021.

8.2. The PA opinion includes a background on the planning history on the site and surrounding area, the policy background, a planning assessment and is accompanied by interdepartmental reports.

8.3. Planning Assessment

### Land Use and Plot Ratio

- The site has not been identified in the RSES or the Galway Metropolitan Area Strategic Plan (MASP) as an area for growth.

- Additional growth is not in compliance with the Core Strategy and is contrary to evidence based compact growth.
- Higher density unserviced residential lands on the periphery of the city is leap frogging.
- The design is not response to the urban fringe location.

#### Urban Design

- Layout: the proposal represents a heavily urbanised character area and is not sylvan in nature. The linear nature is not welcome, and the proposal does not respond to the ecological features or site.
- Apartments: The use of parking and the public realm is not a high standard and will not create good residential amenity. No defensible space is provided for the apartment at ground floor.
- Retail: Concerns over the servicing and delivery.
- Apartment standards: The minimum areas of storage and compliance with Appendix 1 are not set out.
- Overshadowing: The southern section of the apartment building including the retail unit will cause overshadowing of the apartment's windows and balconies to the north-east/east. Some of the housing units in the south western corner will cause afternoon/ evening overshadowing on units.
- Car parking: The separation of parking from houses is not practical. Some car parking spaces encroach onto public spaces. The alignment of cars onto the access route and rear reversing is questionable.

#### **8.4. Interdepartmental Reports**

8.5. Drainage- No objection to the proposal

8.6. Parks Section-

- There remain concerns over the location of the pumping station in the woodland belt and should be moved to prevent tree felling.

- A special contribution of €40,000 is required towards the design and construction of a Greenway between the Woods and the Ross Hill Road where the overall costs are estimated at €182,000.00.

8.7. Transport Section- Recommend a refusal based on the lack of sustainable transport options which will lead to high levels of car use and congestion. Additional issues raised are summarised below:

- No dedicated cycle paths have been provided.
- The TTA identified missing links in the pedestrian infrastructure.
- The traffic survey analysis is predicted using the N6GCRR which requires approval from ABP.
- The junction analysis at old Dublin road (R338)/Rosshill Road junction, Doughiska Road junction and old Dublin Road are showing significant delays.
- Public transport 1.1km from the site and pedestrian links are proposed.
- The closest bus stop is not in operation.

## 9.0 Irish Water

9.1. Irish Water issued a confirmation of Feasibility for connection of 102 no. residential units (35 no. apartments, 67 no. houses) subject to the following:

In respect of **Wastewater**:

- The scale of development can be accommodated by the existing network infrastructure subject to the applicant putting in place a night-time pumping regime for the discharge to the Irish Water network.
- The applicant will be required to submit design proposals ahead of any SHD Application, for which a statement of design acceptance will be issued.
- The proposed connection to the public wastewater network via a pumping station and rising main.
- The size of the pumping station should cater for future development on adjoining lands.

9.2. In respect of **Water**:

- The nearest point of connection to the watermain network is to a 200mm diameter watermain which has been extended to a point north of the railway bridge on the Coast Road and a connection can be facilitated to this watermain
- Irish Water understands this watermain is third party owned and all consents are required ahead of any connection agreement.

## 10.0 The Consultation Meeting

10.1. A section 5 Consultation meeting took place via Microsoft Teams on the 01<sup>st</sup> of April 2021 with representatives of the prospective applicant, the Planning Authority and An Bord Pleanála in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Low Density Residential Zoning
2. Development Strategy, *inter alia*, density, layout, open space provision and carparking
3. Residential Amenity of future occupants
4. Parks Section
5. Transportation Matters
6. Any Other Business.

10.3. In relation to **Low Density Residential Zoning** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- In relation to the Low Density Residential (LDR) Zoning, the appropriate development of the site, the amount of LDR lands in the City area and the site-specific objectives relating to the development on the site.
- In relation to density, those calculations used for the gross and net and the impact of a higher density development at this location.

- The existing Core Strategy for Galway City and the inclusion of the site within any dwelling figure allocation.

10.4. In relation to **Development Strategy** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The reasons for refusal previously under ABP 306413-20, the overall masterplan submitted and the proposed design and layout.
- In relation to the open space, the distinguishment between the public and communal open space, the quantum provided and the useability and functionality of open space provision.
- The quantum of car parking proposed, the location of the parking to the rear of the apartment development and the requirement for parking spaces adjacent to the dwellings.

10.5. In relation to **Residential Amenity of future occupants** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The residential amenity of the future occupants of the ground floor apartment units having regard to the location of the carpark beside the ground floor units and the need for any privacy screening.
- The impact of the apartment building on the occupants of the proposed dwellings having regard to any overshadowing or overlooking.

10.6. In relation to **Parks Section** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The requirement for locating the pumping station within the woodland area and the impact on the tree removal on the ecological value of the site and the wider environment.
- The potential to require the payment of a special contribution on any permitted development in relation to a greenway linking the woodlands to the Rosshill Road.
- The overall management of the scheme and the delivery of the proposed development in relation to the protection of the existing ecology.



10.7. In relation to **Transportation Matters** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The delivery and timescales of the coastal greenway by the National Transport Authority and the plans for delivery of any future public transport linkages as designated along the railway line.
- The impact of the proposal on the traffic congestion having regard to the increased density and absence of sufficient pedestrian permeability.
- The inclusion of the Galway Bypass within any traffic modelling in the Traffic Impact Assessment and the absence of any decision by An Bord Pleanála.

10.8. In relation to **Any Other Business** An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The submission of all documentation necessary to addresses those previous reasons for refusal.
- The requirement to submit a waste management plan which is cognisant of the need to minimise waste on the site.

## 11.0 **Assessment**

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 prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### **Conclusion**

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.

## 12.0 Recommended Opinion

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

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

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the **following specific information should** be submitted with any application for permission arising from this notification:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
  - (a) Provide further justification in relation to the location of the carpark adjoining the rear of the apartment building, the absence of any designated communal open space and the residential amenity of those future occupants of the ground floor units.
  - (b) Provide further justification in relation to delivery and/or proposed connectivity to any planned or proposed greenways and/or public infrastructure. This further justification should address, *inter alia*, any

requirements for the payment of a special contribution towards the delivery of infrastructure as further detailed below.

- (c) Provide further justification in relation to location of the pumping station. This further justification should address, *inter alia*, the options considered which would minimise any ecological impact on the site and the surrounding area.
2. Prior to the lodgement of any application the prospective applicant should seek to ascertain what, if any, special contributions, the planning authority may seek at application stage (noting the contents of the report from the Parks Section under 'Appendix 2 Opinions from other Sections of the City Council' of the Planning Authority) and indicate at application stage if such contributions are acceptable or not, and if not, what grounds the Board may wish to consider in determining the application or not of such conditions.
  3. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements.
  4. A landscaping plan of the proposed open space within the site clearly delineating communal and public opens space areas, play facilities allocated for a range of age groups and the boundary treatment adjoining any open space. The landscaping details shall be accompanied by a site-specific Management Plan which includes details on management of all communal areas and the public plaza.
  5. A detailed phasing plan.
  6. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing and overbearing. The report shall include full and complete drawings illustrating daylight and sunlight analysis for proposed apartments and all open space areas

7. An updated Traffic Impact Assessment including updated traffic modelling based on the use of transport infrastructure with planning permission or in existence.
8. A Waste Management Plan.
9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
10. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority

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. Minister for Housing, Local Government & Heritage,
3. Heritage Council,
4. An Taisce
5. Transport Infrastructure Ireland
6. National Transport Authority
7. Iarnrod Eireann- Railway Operator
8. Commission for Railway Regulation
9. The Galway County and City Childcare Committee

**PLEASE NOTE:**

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

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Karen Hamilton  
Senior Planning Inspector

15<sup>th</sup> of April 2021