



An  
Bord  
Pleanála

## Inspector's Report ABP 313077-22.

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<b>Development</b>	Ten residential units, vehicular entrances, infrastructure connections, boundary adjustments and associated site works.
<b>Location</b>	An Leac Liath, Barna. Co Galway.
<b>Planning Authority</b>	Galway County Council
<b>P A. Reg. Ref.</b>	21/2477.
<b>Applicant</b>	Martina Connolly
<b>Type of Application</b>	Permission.
<b>Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Martina Connolly.
<b>Date of Inspection</b>	5 <sup>th</sup> July, 2022
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 4,907 square metres and is located on the west and north sides of Lacklea Road a minor road (L53871) to the south-west of Barna Village and the R336. It extends southwards off the R336 to a bend from a bend where there is a lane to the beach and then westwards. It is primarily characterised by road frontage single house development on large plots of relatively recent construction and some older dwellings. There are also some areas of undeveloped lands with dense indigenous planting within the lands and along the roadside frontage.
- 1.2. The location of the site is at the southern end of the road at the corner with frontage along the western side and extending around on the northern side of the road frontage Indigenous hedgerow and stone walling are located along the road frontage and along the north and west boundaries within the site.
- 1.3. The carriageway, which is somewhat uneven in alignment has no road markings or footpaths along either side of the road is shared by pedestrians, cars and cyclists and is popular with pedestrians many of which use it as a route to the beach.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a development of ten houses, (four two bed, four three bed and two four bed units) on the site and the total stated floor area is 1,817 square metres. Two detached and two pairs of semi-detached houses facing onto the west side of the road with the remaining four terraced units, in a stepped layout located facing onto the southern frontage onto the road are shown on the site layout drawing. Each dwelling, on the western site frontage (Nos 1-6) is provided with an individual entrance and on-site curtilage parking and, for the terrace of four on the northern frontage facing south (Nos 7-10) a row of six end on parking spaces are proposed. An area at the rear in the north west of the site is shown as public amenity 595 square metres
- 2.2. The application includes a detailed Appropriate Assessment Screening Report in which it is determined that the proposed development would not have any significant

effects on the Galway Bay Complex SAC and Inner Galway Bay Complex SPA [004031] alone or in combination with other plans and projects.

### 3.0 Planning Authority Decision

3.1. By order dated, 23<sup>rd</sup> February, 2022, the planning authority decided to refuse permission for the following three reasons:

1. *“The proposed development does not provide an appropriate connection to the wider footpath network, and if granted, would pose a risk to the safety of pedestrians and other road users, and in addition, contravene sustainable transport policy objectives. The proposed development would as a consequence be contrary to Objective TI 11 of the Galway County Development Plan, 2015-2021, would present undue risk of hazard to road users and would accordingly be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development is located on a narrow road and the traffic movement generated by the development would also lead to the necessity for dangerous reversing manoeuvres on to the public road and, hence would interfere with the free flow of traffic and to the public road and hence, would interfere with the free flow of traffic on the public road and endanger public safety by reason of traffic hazard.*
3. *The proposed development would have negative impact on the drainage of surface water from the public road and, hence, would result in excessive degradation of the public road surface and endanger public safety by reason of traffic hazard. In the absence of satisfactory details regarding surface water disposal on site, the planning authority considered that the development plan would contravene Objective WW 7 of the Galway County Development Plan, 2015-2-21 and would be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

3.2.1. The planning officer in noting Bearna’s designation as a ‘Key Settlement’ in the Galway Metropolitan area and the Bearna Local Area Plan, the zoning objective and

national and regional policy and the recommendations in *Sustainable Residential Development: Guidelines for Planning Authorities*, 2009 and accompanying *Urban Design Manual* acceptable for the site, (described as an “infill site” at an “edge centre location” in density, unit mix and typology).

- 3.2.2. Concerns are expressed about the layout from the perspective of traffic and pedestrian safety due to multiple entrances, trip generation, a single entrance with dwellings closer to the road frontage being recommended, lack of connectivity to the wider footpath network and, the deficiencies in the layout with regard to the position within the development of public/communal open space.

## 4.0 Planning History

**P.A. Reg Ref.20/1964 / PL309713:** The planning authority decision to refuse permission was upheld following appeal, based on the reasoning outlined in brief below:

*“Having regard to the Galway County Development Plan 2015-2021, Variation No 2a, Bearna Plan, according to which the site comes within a parcel of lands subject to the zoning objective “R – Residential Phase 1, to Section 3.1 of the Bearna Plan and DM Guideline DM1 (development Densities) providing higher density development with reduced car dependency and to the associated objective Residential Density (RD3 and Land Use Management (LU2) for creation of high quality sustainable residential development with an appropriate mix of housing types and density it was decided that the proposed development is haphazard and piecemeal within the R zoned Phase 1 parcel of lands and fails to create a sustainable residential neighbourhood of appropriate density closely connected to services and facilities at the village centre in accordance with the SRD section 28 guidelines and would set undesirable precedent which is contrary to the CDP and the Bearna Local Area Plan.”*

**P. A. Reg. Ref. 201723:** An application for construction of a house (311 square metres) entrance and connection to the public sewer and site works on the application site was incomplete according to the planning officer report.

**P. A. Reg. Ref. 191179:** Permission was refused for a house, entrance and connection to the public sewer and site works on part of the lands adjoining the south boundary which are within the masterplan area included with the current application. The reasons are similar to those attached to the decision to refuse permission for the current proposal.

**P. A. Reg. Ref.191180:** Permission was refused for a house, entrance and connection to the public sewer and site works on part of the lands adjoining the south boundary which are within the masterplan area included with the current application. The reasons are similar to those attached to the decision to refuse permission for the current proposal.

**P. A. Reg. Ref. 191171:** Permission was refused for a house, entrance and connection to the public sewer and site works on the application site. The reasons are similar to those attached to the decision to refuse permission for the current proposal.

Two prior applications house, entrance and connection to the public sewer and site works were withdrawn prior to determination of a decision. (P. A. Refs 161427 and P. A. Reg. Ref.16361 refer.)

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Galway County Development Plan, 2022 – 2028. The Galway County Development Plan, 2015-2021 which was extant at the time of the determination of the decision to refuse permission by the planning authority has now been superseded.

The site location comes within the area of Bearna which is designated within the settlement hierarchy as one of three settlements within the Metropolitan Area Strategic Plan for Galway (MASP) which is categorised at the top level of the settlement hierarchy and identified, in absorbing population growth as inextricably linked to the city as a key driver.

Bearna is also within the area of the Galway County Transport and Planning Study. (GCTPS)

The MASP has been identified as accommodating critical mass in population growth within the area that will ensure the vitality and appeal of Galway City and the surrounding towns and villages. According to section 2.4.3 and 2.4.4 in complying with national and regional policy, future development is to be directed to support the MASP with emphasis on building critical mass in the three designated settlements of Claregalway, Oranmore and Bearna.

Policy SS1 provides for support of the important role of the MASP which is inextricably linked to Galway City as a key driver of social and economic growth in the county and wider Western Region and supports the sustainable growth of strategic settlements which include Bearna, Oranmore and Claregalway within the MASP.

Transportation Policies and objectives are within Chapter 6. There are no specific objectives for the local road network in the Bearna area including the L53871 whereas there is an objective for a feasibility study for upgrades for the R 336 and the Galway Ring Route approved route which terminates at its western end at Bearna.

5.1.2. Development Management standards are within Chapter 15.

According to Section 15.2.3 and Table 15.1 development shall be in accordance with *Sustainable Residential in Urban Areas- Guidelines for Planning Authorities, 2009* and Circular 02/2021. Density is only one variable used in the assessment of development proposals.

Density for Multiple Housing Schemes within the MASP area for outer suburban and greenfield sites adjacent to rural areas should be within a range of 15 to 30 units. Flexibility and Consideration is required for other site circumstances relating to the existing pattern of development, density, plot size, building height; Impact on residential amenity, daylight, loss of privacy, overlooking; provision of private open space for existing and proposed properties; Car parking standards and building orientation.

For layout consideration should be given to: the need for land and public services to be used economically; appropriate density; adequacy of present and future community facilities, adequate privacy for individual dwelling units; the safety of proposed layouts and the capacity of existing roads to absorb future development;

Adequate provision for car parking, EV charging points open space, landscaping and planting and, integration with existing development and the preservation of features on site.

- 5.1.3. Policies and objectives for the **Bearna Metropolitan Settlement Plan** incorporated within the CDP are within section .2.8. The application site is subject to the zoning objective Residential – Phase 1 and adjacent lands are subject to the zoning objective “existing residential”. A small parcel of lands to the north west of the application site but not adjacent to it is also subject to the zoning objective Residential Phase 1.

Policy Objective BMSP 1 for new residential development is to: -

*“Promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped sustainable residential communities with an appropriate mix of housing types and densities, together with complementary land uses such as community facilities, local services and public transport facilities, to serve the residential population of Bearna Metropolitan settlement plan”.*

Policy Objective BMSP 19: public footpaths and lighting.

1. *Support improvements to the existing public footpaths network within the plan area.*
2. *New development shall be required to connect to the footpath and public lighting network that currently serves the village centre.*
3. *Support the provision of footpaths and-public lighting from the existing residential development to the village centre in order to protect light sensitive species such as bats, lighting fixtures should provide only the amount of light necessary for personal safety and should be designed so as to avoid creating glare or emitting light above a horizontal plane.*
4. *Facilitate the provision of pedestrian crossings adjacent to the national school, residential areas and at other appropriate locations within the plan area, as required.*



*Support the creation of a Coastal Amenity Park, extending from Mag's Boreen to Lacklea Boreen, to serve the recreation and amenity needs of the Bearna community, to provide an appropriate public interface between the village and the coastline and to create a focal point and attractive setting for high quality tourism and mixed-use development on adjoining lands. The design of any works being undertaken to achieve this objective shall be informed from the outset by ecological considerations*

There are no specific objectives for provisions for or upgrades and improvements to the L53871 serving the application site or other service and facilities.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An appeal was received from the applicant's agent on 22<sup>nd</sup> March, 2022 and attached is a revised layout drawing prepared by the applicant's architect, a drainage layout and accompanying reports, along with the applicant's engineer's statements on parking, road alignment and entrance arrangements, soakpit design for roads and paved areas and dwelling Nos 2-10. The inclusion of the revised layout proposal is in response to the comments and recommendations of the planning officer on the original application and the reasoning for refusal of permission following appeal on the prior proposal. (PL 309713 refers)
- 6.1.2. A hard landscaped area to the front of the four terraced dwellings is shown as a home zone.
- 6.1.3. Soakpits at BRE standards are to be provided for each dwelling within the rear gardens and the paved home zone and parking spaces at the road frontage.
- 6.1.4. The submission statement includes a discussion on the planning context and background including the prior proposal under P. A. Reg. Ref. 20/1964 (PL 309713) for which permission was refused. The appeal against the reasons attached to the planning authority decision can be outlined as follows

6.1.5. With regard to Reason No 1.

- The nature of the road network, as is fully described in the inspector's report on the previous proposal, is a shared carriageway which is conducive to pedestrian movement and the absence of footpaths is not an undue concern.
- The revised layout included with the appeal provides for a reduction from eighteen to fourteen on site carparking spaces, is a response to national policy for higher density and reduced carparking and car dependencies and reduces reversing movements onto the carriageway benefitting the shared use of the carriageway.
- The revised layout for parking is intended to reduce the need for reversal directly on to the public road from multiple entrances. Six parallel parking spaces are shown along the southern frontage of communal open space on the inner side with a stated area of 452 square metres. Four parallel spaces are shown at the frontage of the two pairs of semi-detached dwellings with two front curtilage spaces with direct access onto the public road being shown for the two four bed detached dwellings. These revisions are included to address the recommendation in the planner's report for the layout to be revised to address concerns in the proposed layout about traffic safety.
- The recommendation in the planner report to include an estate road, to bring the dwelling footprints closer to the road and for communal open space to be located to the rear would not be workable for the scheme.
- The proposed development is compliant with DMURS (2019) in achieving low speed and traffic calming on the shared carriageway which has no footpaths or kerbs and in including the home zone. The proposal is consistent with promotion of liveable local streets within a short distance of the village centre and the coast as encouraged in national policy and the current and prior CDP namely Objective T1 11 encouraging the application of DMURS standards to new development as appropriate.
- The alleged non-compliance with DMURs in Reason No 1 is contradictory to the statement in the planner's report that the proposal complies with the Bearna LAP, namely with regard to Density under DM1 in section 3.1 Objective LU2 and, correspondingly *Sustainable Residential Development in*

*Urban Areas, and the Urban Design Manual – a Best Practice Guide* (2009) and DMURs with regard to creation of connected compact neighbourhoods promoting alternatives to car journeys and encouragement of sustainable transportation modes.

6.1.6. With regard to Reason 2,

- The small scheme would result in low trip generation, reversing manoeuvres from House 2-5 and 7-10 would be infrequent but the revised proposals relating to parking and entrances are included in the revised layout to address the planning authority concern. The revisions reduce reversing manoeuvres retain the width of the carriageway and its function as a shared cul de sac and provides adequate levels of parking. Reference is made to the engineer's report included with the appeal (appendix 4) on the merits of the revised road design in this regard.
- Although the parallel parking on the southern road frontage reduces the size of the communal amenity space slightly the site is an infill, the home zone (143 square metres) is compensatory so the combined amount of space would be 595 square metres in area, or 11.1% of useable space area which is above the 10 per cent minimum required under DM Standard 1 on the CDP. The location will be 125 metres from the Coastal Amenity Park proposed in the (Draft) CDP so the more than adequately needs of the future residents.

6.1.7. With regard to Reason 3

6.2. There is no adverse surface water flooding at the road at the site location. A drainage layout drawing is provided with the appeal to demonstrate adequate drainage capacity within the site. Drawing 19-240 DWG C01 refers. Surface water from fifty per cent of the carriageway and from the paved areas with the site to be drained to a soakpits and with a petrol interceptor in the public amenity area and individual soakpits to each dwelling. It is indicated that the arrangements are in accordance with BRE 365 standards.

### 6.3. **Planning Authority Response**

6.3.1. There is no submission from the planning authority on file

## 7.0 Assessment

7.1. The issues central to the determination of a decision can be considered below under the following sub headings.

Strategic policy.

Residential Quality

Surface Water Drainage.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. It has been established, that there is provision for residential development to be delivered on the site within the lifespan of the Development Plan in that the site lands are zoned for residential development and designated as Phase 1. On the other hand, the site location, is at the edge of the settlement boundary and is peripheral to the village notwithstanding its designation as one of the three settlements within the MASP into which critical mass is to be directed. It is at best, 'peri urban' and lacking in connectivity to and integration with village centre particularly due to the lack of pedestrian facilities along the L 53871 and connectivity to the existing pedestrian footpaths and public lighting, pedestrians being entirely dependent on shared use of the unlit carriageway with vehicular traffic and car dependency.

8.0 Furthermore, and separately, the multiple unit scheme is in stark contrast to the established, albeit somewhat unsustainable and car dependant very low-density residential development comprising individual dwellings on large plots accessed from the road frontage. The multiple unit scheme, by itself is unacceptable from a technical perspective by way of the trip generation and additional turning movements onto and off the carriageway notwithstanding the revised parking layout proposals provided with the appeal.

9.0 The revised proposal for arrangements for parking included with the appeal, to address the quantum of reversing manoeuvres from multiple entrances generated are not a satisfactory solution. In addition to vehicles pulling in and out of the spaces, potential for double parking and other unauthorised parking is significant. No

alternative off road parking facilities would be available and aside from visitor parking requirements there is a likelihood that more than one car may be in the ownership of residents of each property. Such potential causes of obstruction and traffic hazard which is a particular concern for a public road with no pedestrian facilities along which there is considerable pedestrian movement, and private car trips between the beach, residential properties, public transport along the R 336 and the village centre, as opposed to a purposefully designed, cul de sac internal estate road.

- 9.1. The policies for the Bearna LAP, for higher density are carried forward to the now extant Bearna Metropolitan Settlement Plan within the MASP at the top of the settlement hierarchy in the recently adopted CDP. The planning officer has commented on this issue with reference the now extinguished Bearna LAP. It is noteworthy that no material changes to the density considerations whereas and no specific objectives for upgrade and improvement works to the L53871 facilitating connectivity to the village and services which would support sustainable higher density development have been included in the Bearna Metropolitan Settlement Plan. It is clear from the Bearna Settlement Plan incorporated within the recently adopted current CDP that there are no specific objectives for upgrade and improvement works or for footpath construction along the R 53871. As such there is no change in this regard relative to the now prior CDP which was applicable at the time of the assessment and determination of the decision on the prior application under P.A. Reg. Ref. 20A/1964 – PL 309713.
- 9.2. In view of the scenario as discussed above, notwithstanding the zoning objective. it is considered that strategic policy providing for higher densities as reflected in the MASP for Galway overall, and at Bearna, one of the three designated settlements for sustainable development should be interpreted and applied with flexibility in development management owing to constraints associated with the site location. Effective delivery of the overall strategic policies with emphasis on building critical mass and consolidation of the designated settlements must be balanced with the constraints site specific location relative to settlement core, the local road network, pedestrian facilities, the established characteristics of development in its environs and existing and future services and facilities.

### 9.3. Residential Quality

- 9.4. While the current proposal provides for development on the entirety of the parcel of 'R' zoned lands (Phase 1) it is substandard and unsatisfactory in layout and overall residential quality. In effect it is two distinct, individual schemes separated by a public amenity space primarily at the frontage of the public road, the L 53871 with little functional or visual integration and connectivity with the dwellings. The amenity space has no centralised focus within the scheme benefitting residents, is peripheral to and with no oversight from the dwellings but it is functional in facilitating the surface water drainage arrangements and visibility along the carriageway in both directions. This concern is further demonstrated by lack of practicability and safety of the home zone play area to the front of Units 7-10 which is unsatisfactory in that the is shown at the edge of the public road as opposed to areas within the scheme and served by an internal road.
- 9.5. While somewhat urban in character the layout lacks legibility as a small integrated cluster scheme suited for the "edge of settlement" or as contended in the applicant's submissions, as an "infill", and is in stark contrast the established character of the existing surrounding development. The group of six units are on plots with individual entrances along the western side of the road. The other group of four terraced units at the western end of the site on the north side of the road frontage with a row of six end on carapaces to the front. This lack on integration as a small scheme is exacerbated in the alternative parking arrangements proposed in the appeal. While clearly influenced by policies and standards from strategic guidance for sustainable urban residential developments are inappropriate for the site location, in being located along the public road as opposed to an internal road within an integrated scheme.
- 9.6. A small cluster scheme with emphasis on overlooking of a communal amenity space with one shared entrance, off street parking and incorporating the home zone concept which may not by necessity, provide for all units facing the street frontage and which involve a smaller number of dwellings, qualitatively may be more satisfactory and compatible with the site location, notwithstanding the lack of pedestrian facilities and connectivity to the village centre. The requirements for higher density on the current instance, given the circumstances, capacity constraints

of the peripheral site location vis a vis must be offset against the requirements for achievement of high qualitative standards and characteristics.

#### **9.7. Surface Water Drainage – Public Road**

- 9.7.1. The planning authority's concerns as indicated under Reason 3 for the decision to refuse permission as to concerns about potential for flooding to and consequent degradation of the public road have been satisfactorily addressed in the appeal in the details provided with the appeal which include a drainage layout, calculations, along with soakaway design to BRE 365 standards for each plot, the communal hard surfaces and for fifty percent of the road space with a petrol interceptor- for waters to be discharge to the in conjunction with the soakaway in the public amenity space.
- 9.7.2. It is considered that these arrangements and inclusion of standards conditions would be satisfactory if permission is granted.

#### **9.8. Environmental Impact Assessment Screening.**

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

#### **9.9. Appropriate Assessment Screening.**

- 9.10. An appropriate assessment screening report is included with the application in which all European Sites with fifteen kilometres of the site location the closest of which, at 1.75 km from the site are the Galway Bay Complex SAC and Inner Galway Bay SPA are screened out, it being concluded that no significant effects on the conservation objectives and qualifying interests would occur as a result of the proposed development, alone or in combination with other projects and plans.
- 9.11. Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise.

The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

10.1. In view of the foregoing, it is recommended that the appeal be rejected, and that permission be refused. However, the reasoning under Reason No 2 can be regarded as relating to new issues in respect of the current proposal, not included among the reasons attached to the planning authority.

## 11.0 Reasons and Considerations

1. The proposed development, by reason of the site location along a narrow road lacking in public footpath provision or connectivity to the wider public footpath network within the area, and which would have high dependency on private car trips generating additional stopping, starting and turning movements onto and off the shared narrow roadway would lead to obstruction of and conflicting vehicular and pedestrian movement which would endanger public safety by reason of traffic hazard. would set undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the site location on lands subject to the zoning objective R – (Phase 1) within the Bearna Settlement Plan and MASP area as provided for in the Galway County Development Plan, 2022-2028, and to the principles set out in *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* and the accompanying *Urban Design Manual – A Best Practice Guide for Planning Authorities* and, *Design Manual for Urban Roads and Streets* issued under section 28 of the Planning and Development Act, 2000, as amended, it is considered that the proposed development, would be substandard in layout and residential quality and would constitute haphazard



piecemeal development which is out of character with the established pattern of development in the area. As a result, the proposed development would seriously injure the residential amenities of the future occupants and the visual amenities of the area, would set undesirable precedent for further similar development and would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
29<sup>th</sup> July, 2022.