



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321719-25**

### Development

Permission for the demolition of house and the construction of six houses, together with all associated works.

### Location

Cooile Haven, Crowe Street, Gort, Co. Galway.

### Planning Authority

Galway County Council.

### Planning Authority Reg. Ref.

24/61406

### Applicant(s)

Theresa Murphy.

### Type of Application

Permission.

### Planning Authority Decision

Refuse Permission.

### Type of Appeal

First Party

### Appellant(s)

Theresa Murphy.

### Observer(s)

Tommy Ruane.

Gerard O'Donnell.

Melissa Spencer.

Cora Gunter & Robert Carrick.

Michael & Riona Browne.

Kara-Lee Helfrich.

Margaret Mary Helfrich.

**Date of Site Inspection**

3<sup>rd</sup> April 2024.

**Inspector**

Kathy Tuck.

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.310ha, is located on Crowe Street, Gort, Co. Galway and situated approximately c.700m to the west of the centre of Gort. The site comprises of a derelict bungalow dwelling and its associated private amenity space to the rear.
- 1.2. The subject site is elongated in form having an approximate depth of c.161.2m and a width of c.18.9m. the site shares its eastern boundary with dwellings located within the Coole Haven Estate, its western boundary with dwellings that address the Galway Road, its northern boundary with undeveloped land and its southern boundary with Crowe Street.

## 2.0 Proposed Development

### 2.1. *Original Design*

- 2.1.1. Permission is sought for the demolition of the existing derelict dwelling and the construction of 6 no. serviced dwellings. The proposal provides for a terrace of 3 no. two storey 3 bed dwellings, 2 no. two storey 3 bed semi-detached dwellings and 1 no. single storey 4 bed dwelling.
- 2.1.2. The 3-no. terraced dwellings have been orientated in a manner where their front elevation addresses a proposed area of open space which then addresses Crowe Street. The private amenity space serving these units is oriented internally to the subject site. The terrace of dwellings has been set c.10.4m from the southern boundary of the site. These 3 no. dwellings have been finished with a pitched roof profile and have a ridge level of c.8.09m. Plans submitted indicate the use of red brick on the lower level and nap plaster on the upper floor.
- 2.1.3. The pair of semi-detached dwellings have been located centrally within the subject site and are separated from the terrace of dwellings via an area of green space which has a stated area of c.160sq.m. The side elevation of dwelling no. 5 is set c.6.8m from the eastern boundary of the site. While the western elevation of dwelling no. 4 is set c.2m from the western boundary of the site. These dwellings are also finished with a pitched roof profile and a ridge level of c.8.09m. Plans submitted indicate that these dwellings

are to be finished entirely with render and are served with a flat roof feature along the front elevation which is capped with zinc.

- 2.1.4. The proposed single storey detached dwelling is located on the northern end of the subject site and is provided with a separation distance of c.30.3m from the rear elevation of the proposed semi-detached dwellings. The dwelling is served with a rear amenity space with an area of c.612sq.m and is set c.5m from the eastern boundary of the site and c.3m from the western boundary.
- 2.1.5. The proposed development provides for 11 no. car parking spaces with access being proposed to be provided to the development site via the existing residential estate, Coole Haven, which is located to the east.

## 2.2. *Amended Scheme*

- 2.2.1. The appellant has submitted amended plans as part of the 1<sup>st</sup> party appeal lodged with An Bord Pleanála on the 21<sup>st</sup> January 2025. The amended plans provide for an increase in the area of public open space located centrally within the site which was previous c.160sq.m and is now being provided as c.305sq.m. This has been achieved by reducing the depth of the private amenity space serving the detached dwelling and setting back the proposed pair of semi-detached dwelling c.6.5m to the north.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The Planning Authority issued a decision to refuse permission on the 16<sup>th</sup> of December 2024 for the following reasons:

- 1. The proposed development, in view of the confined nature of the site, the scale and layout of residential units within the site which is lacking sufficient and appropriately configured communal open space would constitute overdevelopment of the subject site, would be detrimental to the character of the area and would be contrary to objectives PM 1 and PM 10, UL2 and UL5, as well as development management standards DM1 and DM2 contained in the Galway County Development Plan 2022-2028, it would detract from the visual and residential amenity of the area, as well as setting an undesirable

precedent for similar future development, and therefore would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the restricted nature of the site layout in the context of vehicular manoeuvrability and the suitability of the external and internal traffic circulation regime whereby increased vehicular turning movements will be generated by the development, and in the absence of satisfactory demonstration of any supporting auto tracking swept path analysis pertaining to car, fire and refuse tender movements including provision of suitable on site vehicular turning facilities, whilst coupled with the apparent lack of on-site and tie in permeability measures in relation to pedestrian/active travel multi modal movements from the development to Gort. Accordingly, due to the restricted vehicle manoeuvrability within and adjoining the site, the potential exists for conflicting turning movements to potentially to occur with the public road, thus increasing road safety hazards particularly for vulnerable road users. It is therefore considered with regard to policy Objectives NNR 2, NNR 3, NNR 7 and DM standard 28, 33a of County Development Plan 2022-2028, that if permitted as proposed, the development would endanger public safety of traffic hazard, obstruction of road users or otherwise.
3. In the absence of any details submitted on file from Irish Water relating to consent to connect to the public waste and water infrastructure to serve the proposed development, it is considered that the development if permitted as proposed, would be contrary to Policy Objective WS4 and DM Standard 36 of the Galway County Development Plan, 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The report of the Planning Authority sets out details of the site location, the proposed development, planning history, submissions from internal and external consultees, third party submissions and all relevant local, national and regional planning policy. The assessment inclusion consideration of Appropriate Assessment and EIA Screening.

The report noted significant concerns over the proposed layout which was considered to be restrictive in nature and overdevelopment of the site, lacking in useable communal open space, gives rise to the potential for conflicting turning movements to potentially occur with the public road and internal road layout giving rise to a traffic hazard and the lack of detail regarding the proposed connection to the public mains. As such, the report concluded by recommending that permission be refused in line with the decision issues by the Planning Authority.

#### 3.2.2. Other Technical Reports

Roads & Transportation Dept: Report dated the 12<sup>th</sup> December 2024 recommends that permission be refused as the proposed development would give rise to a traffic hazard.

#### 3.3. Prescribed Bodies

Transport Infrastructure Ireland: submission dated the 8<sup>th</sup> November 2024 recommends that the Planning Authority have regard to the official policy for development proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals.

#### 3.4. Third Party Observations

The Planning Authority received 8 no. third party submissions. The concerns raised can be summarised as follows:

- Overlooking and Loss of Privacy
- Access - unnecessarily increase traffic through the existing Coole Haven estate and pose additional safety risks for pedestrians and children playing.
- Lack of open space.
- Lack of car parking.
- Density.
- Pedestrian Safety.

- Access driveway along the boundary of 31-37 of Coole Haven - this would result in serious noise and disturbance.
- Impact on local amenities and services.
- Impact on the environment.
- Validation issues - public notices do not adequately describe the full extent of the development.

## 4.0 Planning History

There is no planning history pertaining to the subject site.

## 5.0 Policy Context

### 5.1. National Planning Framework

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure, in particular to higher functioning towns such as Thurles. NPOs for appropriately located and scaled residential growth include:

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being; and
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

### 5.2. Housing for All - a New Housing Plan for Ireland (September 2021)'.

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen

in the State should have access to good quality homes: - To purchase or rent at an affordable price, - Built to a high standard in the right place, - Offering a high quality of life.

### 5.3. **Section 28 Ministerial Planning Guidelines.**

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically).

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

According to the results from the 2022 Census, Gort has a population of 3,186 people and as such in accordance with Section 3.3.4 of the Guidelines identify areas with a population between 1,500-5,000 people are considered to be Small and Medium Sized Towns. Table 3.65 of the guidelines states that Small / Medium Town Edge sites should aim to achieve a density of 25-40 units per hectare (net).

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 in relation to separation distances (16 m above ground floor level),
2. SPPR 2 in relation to private open space (2-bed 30 m<sup>2</sup>; 3-bed 40 m<sup>2</sup>; 4+bed 50 m<sup>2</sup>),
3. SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and
4. SPPR 4 in relation to cycle parking and storage.



Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

- Quality Housing for Sustainable Communities – Best Practice Guidelines 2007.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021); and
- Design Manual for Urban Roads and Streets, 2013, update May 2019 (DMURS).

## **5.4. Regional Planning Policy**

### **5.4.1. Regional Spatial and Economic Strategy for the North-West**

The Regional Spatial and Economic Strategy (RSES) for the North-West Region, 2020- 2032 identifies that the vision for Galway is that it will be a leading European city renowned for its quality of life, its history, its culture and its people. It is and will be a place that embraces modern technologies, high standards of education, competitive and sustainable enterprises. It states that Galway's Metropolitan Area has a considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out in the NPF and the RSES.

The population of Galway MASP is estimated to grow by 27,500 to 2026 and by a further 14,500 to 2031 with the population of the city and suburbs accommodating 23,000 to 2026 and a further 12,000 to 2031. Its aim is to deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.

## **5.5. Climate Action Plan 2024**

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

## **5.6. Galway County Development Plan 2022-2028**

5.6.1. Gort is identified in the Settlement Strategy contained within the Galway County Development Plan 2022-2028 as a Self Sustaining Town – Self-Sustaining Towns with high levels of population growth and a limited employment base which area reliant on other areas for employment and/or other services and which require targeted “catch-up” investment to become more sustaining.

5.6.2. The subject site is identified within the county development plan as being located within the ‘Central Galway Complex Landscape’ as per Map 8.1 and an Urban Area as per map 8.2 of the County Plan. Urban areas are described as having a low sensitivity to change.

5.6.3. The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Chapter 2 – Core Strategy, Settlement Strategy and Housing Strategy

- Policy Objective CS 2 – Compact Growth

To achieve compact growth through the delivery of new homes in urban areas within the existing built up footprint of settlements, by developing infill,

brownfield and regeneration sites and prioritising underutilised land in preference to greenfield sites.

### Chapter 3 – Placemaking, Regeneration and Urban living.

- Policy Objective PM 1 – Placemaking

To promote and facilitate the sustainable development of a high-quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.

- Policy Objective PM 8 – Character and Identity

Ensure the best quality of design is achieved for all new development and that design respects and enhances the specific characteristics unique features of the towns and villages throughout the County.

- Policy Objective PM 9 – Vitality in Towns and Villages

(a) To provide an appropriate mix of uses and densities in settlements that are responsive to the needs of people and market demand to support delivery of sustainable, viable and thriving walking neighbourhoods;

(b) To encourage a greater usage of backland areas and to promote the redevelopment of sites in the town or village centre where development will positively contribute to the commercial and residential vitality of the town or village settlement.

- Policy Objective PM 10 – Design Quality

To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.

- Policy Objective CGR 1 – Compact Growth

To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. Development of lands with no links to the town or village centre will be discouraged.

- Policy Objective CGR 6 – Density

Promote the provision of higher density development in close proximity to sustainable transport corridors such as train stations.

- Policy Objective UL 1 Infill Sites To encourage and promote the development of infill, corner and backland sites in existing towns and villages in accordance with proper planning and sustainable development.
- Policy Objective UL 2 Layout and Design To comply with the principles of good placemaking in delivering residential developments within the towns and villages of the county.
- Policy Objective UL 3 Housing Mix To promote a mix of house types and sizes that appeal to all sectors of the community and contribute to a healthy neighbourhood.
- Policy Objective UL 5 Open Space To provide well planned and considered open space that is of sufficient size and in locations that respond to the identified needs of people in accordance with best practice and the scale and function of the surrounding area

## Chapter 6 – Transport and Movement.

- Policy Objective GCTPS 3 – Sustainable Transport

The County will seek to support a variety of measures which will reduce car dependency for residents, and will specifically seek to improve access to sustainable transport choices (including responsive and “flexible” modes) for those residents in rural areas of the County.

- Policy Objective NNR 2 Safeguard Regional and Local Roads

To safeguard the carrying capacity and safety of the County’s regional and local road network.

- Policy Objective NNR 3 Design Manual for Urban Roads and Streets

Implement the national design standards outlined in the Design Manual for Urban Roads and Streets (DMURS 2019) for urban streets and roads within the 50/60 kph zone.

- Policy Objective NNR 7 Mobility Management Plans

To require mobility management plans to be submitted with applications for trip intensive developments.

#### Chapter 8 Tourism and Landscape.

- Policy Objective LCM 3 Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

#### Chapter 10 - Natural Heritage, Biodiversity and Green/Blue Infrastructure

- Policy Objective NHB 1 Natural Heritage and Biodiversity of Designated Sites, Habitats and Species.
- Policy Objective NHB 3 Protection of European Sites.
- Policy Objective WR 1 Water Resources.

#### Chapter 7 Infrastructure, Utilities & Environmental Protection

- Policy Objective WS 4 Requirement to Liaise with Irish Water – Water Supply.  
Ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply and require that all new developments intending to connect to a public water supply liaise with Irish Water with regard to the water (and wastewater) infrastructure required.
- Policy Objective WW 4 Requirement to Liaise with Irish Water – Wastewater  
Ensure that new developments will only be permitted which are adequately serviced with sufficient capacity for appropriate collection, treatment and disposal (in compliance with the Water Framework Directive and River Basin Management Plan) to the public sewer unless provided for otherwise by the plan. Developers shall liaise with Irish Water with regard to the wastewater (and water) infrastructure to ensure sufficient capacity is available prior to the submission of a planning application
- Policy Objective WW11 Surface Water Drainage

- To require all new developments to provide a separate foul and surface water drainage system and to incorporate sustainable urban drainage systems where appropriate in new development and the public realm.

## Chapter 15 – Development Management

DM Standard 1: Qualitative Assessment-Design Quality, Guidelines and Statements

DM Standard 2: Multiple Housing Schemes (Urban Areas)

Table 15.1: Residential Densit

DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Road.

Table 15.3: Sight Distances required for Access onto National, Regional and Local Roads.

DM Standard 30: Developments on Private Roads

DM Standard 31: Parking Standards

Table 15.5: Car Parking Standard

DM Standard 33: Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment (a -Traffic and Transport Assessment (TTA), Road Safety Audit (RSA) & Road Safety Impact Assessments (RSIA)

DM Standard 36: Public Water Supply and Wastewater Collection.

## 5.7. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c. 476.6m to the east of the Coole-Garryland Complex SAC (site code 000252) and Coole-Garryland SPA (Site Code 004107); c.4.7km to the west of the Slieve Aughty Mountains SPA (site Code 004168); and 3.88km to the north-west of the Lough Cutra SPA (site code 004056) and the Lough Cutra SAC (site code 000299).

## **6.0 EIA Screening**

- 6.1. The development does fall within a class of development set out in Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

This is a 1<sup>st</sup> Party appeal against the decision of Galway County Council to refuse permission for the proposed development. The grounds of the appeal can be summarised as follows:

#### **1. Response to reason for refusal no. 1:**

- Development is modest in scale and accords with the density requirements of the Galway County Development Plan 2022-2028.
- Density generated is significantly less than surrounding constructed development (Cuirt Bhreach and Coole Haven).
- Open space provided equates to 320 sq.m – 10% of the subject site.
- Half the site area is designated to the proposed bungalow due to constraints. This unit is provided with substantially more open space than required.
- Revised plan submitted providing for increased open space so that it now equates to 15% of the site area.
- Development permitted under PA Ref 2260159 for 2 dwellings – no public space provided.
- Design of terrace units provides a transition to the adjoining apartment units within the Coole Haven estate – assimilates with the green space/continuation of footpath/retention of boundary trees.

- The ridge level of the bungalow is 3m and as such issues of overlooking will not occur.
- Proposal is on an infill site – proven way to supply housing within a pressure zone area.
- The Planning Authority were over influenced by the submissions received –
  - No objections from the apartment units which are closest to the development;
  - No additional traffic movements will pass any of the objectors houses; and
  - No issues of overlooking will occur.

**2. Response to reason for refusal no. 2:**

- The proposed road and footpath layout is simple and is a minor extension of the existing road and footpath network of the adjoining residential estate.
- Road section of the Local Authority should have requested further information or provided a more detailed assessment.
- The 1<sup>st</sup> party appeal has been accompanied by auto track swept path analysis of the proposed development in terms of fire tender and refuse tender access. It demonstrates both tenders can easily access and turn within the development.
- Coole Haven has been taken in charge by Galway County Council.

**3. Response to reason for refusal no. 3:**

- Submitted a pre-connection enquiry form to Uisce Eireann – a copy accompanies the 1<sup>st</sup> party appeal.
- The proposed will be serviced as an extension to Coole Haven.
- Connection agreement is a common condition include for the written agreement of the Planning Authority.

**7.2. Planning Authority Response**

None received.



### 7.3. Observations

7 no. observations were submitted in respect of the first party appeal. Observations were submitted from the following:

1. Tommy Ruane.
2. Gerard O'Donnell.
3. Melissa Spencer.
4. Cora Gunter & Robert Carrick.
5. Michael & Riona Browne.
6. Kara-Lee Helfrich.
7. Margaret Mary Helfrich.

The observations are primarily from residents within the immediate vicinity of the appeal site, the Coole Haven Estate. Similar concerns are raised within the observations and in order to avoid undue repetition within the report the following provides a summary of the key points raised within the observations.

- Overlooking.
- Overshadowing.
- Overbearing.
- Loss of light.
- Impact from streetlights.
- Increase in traffic.
- No legal interest to provide access from Coole Haven.
- Safety concern for children/pedestrians.
- Reduction in existing open space.
- Additional pressure on local services.
- Noise pollution.
- Carbon emission.
- New development – not an extension to existing.

- Overdevelopment of a restrictive site.
- No detail of how open space will be managed.
- Development description fails to include new access.
- Site location map does not indicate location of public notices.
- Site notice not in place at proposed new entrance.
- Legal owner indicated as applicant, but they do not own boundary wall.
- Amended scheme submitted to An Bord Pleanála represents a significant deviation from original plan and should be re-advertised.
- Comments relating to objections received are disingenuous.
- Amended layout does not overcome concerns of Planning Authority.
- Out of character with the surrounding area.
- 6.8m separation distance provided is inadequate.
- Visually intrusive.
- Provide for a poor standard of residential amenity for future occupants.
- Would not comply with compact settlement guidelines.
- Public open spaces – bounded by car park and attenuation area underneath.
- Layout dominated by hardscaping - car dominant with little provision for pedestrian or cycle.
- Access road from Coole Haven not designed as a through road.
- Parking layout causes traffic hazard.
- No consent obtained from Uisce Éireann.

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Reason for refusal no. 1 - Design and Layout.

- Reason for refusal no. 2 - Traffic Issues.
- Reason for refusal no. 3 - Public Health.

#### **8.1. Reason for refusal no. 1 - Design and Layout.**

- 8.1.1. The appellant contends that the development proposed is modest in scale and accords with the density requirements of the Galway County Development Plan 2022-2028. It is stated that the density proposed is significantly less than that of the adjoining residential areas. The 1<sup>st</sup> party appeal was accompanied by amended plans which retained the same quantum of development but provided for an extended area of public open space. The appellant states that the amended scheme now provides for a total of 480 sq.m of open space which equates to 15% of the overall site area.
- 8.1.2. In the first instance the applicant is seeking permission for the provision of 6 no. dwelling on a site which has a stated area of c.0.310ha which would generate a density of 25 units per hectare. Gort is identified within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) as a Small and Medium Town where development of infill sites on the edge of the settlement should seek densities in the range of 25-45 units per hectare (net). As such, the density proposed, albeit on the lower side, is considered to be acceptable.
- 8.1.3. The Planning Authority within the 1<sup>st</sup> reason for refusal considered that the proposed development, due to the confined nature of the site, was lacking in sufficient and appropriately configured communal open space and would constitute overdevelopment of the site.
- 8.1.4. Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) requires that the provision of public open space should not be less than 10% and not more than a minimum of 15% of the net site areas. This policy objective allows for the consideration to be given to location of the site relative to existing public open space provision in area and broader nature conservation and environmental considerations. However, the guidelines, under section 5.3.3, also states that there is a requirement on the overall quality, amenity value and biodiversity value of public open spaces and that they should also form an integral part of the design and layout of a development and provide a connected hierarchy of spaces.

- 8.1.5. The original plans submitted to the Planning Authority for assessment provided for 2 areas of public open space comprising of a central area and one area addressing Crowe Street both of which had a stated area of c.160. The amended layout submitted to the Board on the 21<sup>st</sup> of March has provided for 2 areas of public open space - one which addresses Crowe Street and is a continuation of that of the adjoining residential development (Coole Haven) and has a stated area of c.160sq.m, and the second located centrally in the site which addresses the access to the site providing c.305sq.m. I note that there is a discrepancy over the scale of the central area of public open space between the 1<sup>st</sup> party appeal and the amended plan submitted as part of the appeal. The plans submitted indicate that the open space has an area of c. 305sq.m while the appeal states that it has an area of 320sq.m. However, when I measured the area on the plan submitted, I concur with the appeal statement as the area measures to c.320sq.m.
- 8.1.6. I do not consider that the area addressing Crowe Street (R458) can be considered useable open space as it addresses a regional road which provides connection from the M18 to the centre of Gort. I consider that this area to be incidental open space as opposed to useable. Furthermore, I consider that the connection provided to this area, which is in the form of a laneway along the side of unit 3, from the remaining units within the development is not considered to be overly accessible. While the appellant has stated within the appeal submitted that it is intended to extend the existing boundary treatment that serves the adjoining Coole Haven Estate along the boundary of the subject site to enclose this space, I consider this area are incidental given that proximity to the R458. I note that Policy Objective UL 2 of the Galway County Development Plan 2022-2028 refers to Layout and Design and seeks to ensure that the principles of good placemaking in delivering residential developments. Having regard to the location of this area of open space which is not connected to the remaining proposed development and addressing the R458, I consider that the proposal would fail to comply with Policy Objective UL 2.
- 8.1.7. As such, the amended scheme would provide for c.320sq.m of open space which would equate to 10.3%. I consider that the proposed development would provide for an adequate level of open space which is well designed, accessible and useable to serve the future potential residents which also accords with the requirements of Policy

and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

- 8.1.8. The appellant contends that the design of the proposed scheme assimilates with the character and layout of the adjoining Coole Haven residential development. It is argued that the provision of the terrace units which have a ridge level of 8.1m allows for a transition from the existing semi-detached dwellings located to the west and the apartment block located to the east and the proposed material finish of the terrace units is similar to that of the existing apartment units.
- 8.1.9. Concerns have been raised within a number of observations received that the proposed development is separate to that of the existing Coole Haven Estate and that it represents overdevelopment of a restrictive site. It is further contended that that proposal is out of character with the surrounding area and if permitted would be visually obtrusive.
- 8.1.10. The Planning Authority within the 1<sup>st</sup> reason of refusal considered that the scale and layout of residential units would constitute overdevelopment of the subject site and would be detrimental to the character of the area.
- 8.1.11. As set out above within section 8.1.2 of my report, the proposal would generate a density of 25 units per hectare which would accord with Section 28 Ministerial Guidelines for Compact Settlements. The terrace units proposed along the southern section of the site which would address Crowe Street (R458) are in keeping with the design idiom of the existing dwelling located to the east by replicating the material finish and roof profiling.
- 8.1.12. The proposed scheme provides for in excess of the separation distances as prescribed by SPPR 1 of the Section 28 Ministerial Guidelines for Compact Settlements. In addition, I do not consider that having regard to the separation distances provided from unit 5 and unit 6 from the eastern boundary of the site that the proposed development would give rise to any undue issues of overlooking of the adjoining residential units within Coole Haven.
- 8.1.13. However, I note that the private amenity space proposed to serve each of the terrace units falls significantly lower than 40sq.m as required by SPPR 2 of the Compact Settlements Guidelines. While the SPPR does allow for a slight reduction in the minimum standard, I do not consider that this can be considered in this instance as

the public open space provided cannot be considered as high-quality having regard to the location of the attenuate tank below.

- 8.1.14. Furthermore, from assessment of the floor plans submitted the 3 no. terrace units also fail to comply with the sequential standards as set out within Table 5.1 and Section 5.3.2 of the Quality Housing for Sustainable Communities, Best Practice Guidelines 2007.
- 8.1.15. While I consider that the overall design idiom of the proposed scheme would be in keeping with the context of the surrounding area, I concur with the concerns raised by the Planning Authority and consider that the proposed development as presented would represent an overdevelopment of a backland restricted site which would fail to provide for an adequate level of amenity for any future potential residents, would fail to comply with SPQR 2 of the Compact Settlements Guidelines (2024), Table 5.1 and Section 5.3.2 of the Quality Housing for Sustainable Communities, Best Practice Guidelines 2007 and would fail to accord with Policy Objective UL 2 and DM Standard 1 of the Galway County Development Plan 2022-2028.

## **8.2. Traffic Issues.**

- 8.2.1. The appellant notes that the proposed scheme provides for a simple road and footpath layout which is considered as a minor extension to the existing road and footpath network of the adjoining residential estate, Coole Haven. It is contended that the Roads Department of the Local Authority should be sought further information to allow the applicant demonstrate that concerns raised could have been overcome.
- 8.2.2. The 1<sup>st</sup> party appeal submitted has been accompanied by an auto track swept path analysis of the proposed development which demonstrates both emergency tenders and a 3 axle refuse tender can access the subject site and turn within the development.
- 8.2.3. From undertaking a review of the auto track swept path analysis submitted I consider that the applicant has overcome the concerns of the Planning Authority with regard to manoeuvrability of large tenders entering and turning within the site.
- 8.2.4. Concerns were also raised with regard to permeability of the site and lack of on-site and tie in permeability measures in relation to pedestrian/active travel multi modal movements from the development to Gort. Policy objective NNR 7 of the Galway County Development Plan 2022-2028 requires a mobility management plan to be

submitted with applications for trip intensive developments. I consider that the proposed development which would provide for additional residential units is considered to be a trip intensive development. I note that a mobility management plan was not submitted, and no reference was made within any documentation submitted to active travel measures being proposed.

- 8.2.5. The subject site is located c.700m, which equates to a c.10minute walk, from the centre of Gort. From undertaking a site visit I note that there is a continuous footpath which runs along the southern boundary of the site which connects into the centre of Gort. The layout as proposed does not provide a direct connection from the site to this footpath. I consider this should have been provided as part of the design which would have encouraged pedestrian movements.
- 8.2.6. The proposed layout does not make any reference to the provision of cycle parking; however I do consider that this could be provided within the curtilage of each dwelling proposed. The site layout plan submitted indicates the provision of 12 no. car parking spaces. SPPR 3 of the compact Settlement Guidelines states that residential developments located in peripheral locations where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. I therefore consider that the provision of 12 no. parking spaces to serve the proposed 6 no. dwellings is acceptable.
- 8.2.7. Overall, while I do consider that some level of amendment to the overall layout to provide for an improved level of permeability could be achieved, I consider that the applicant has overcome the principal concern of the Planning Authority through the submission of the auto track swept path analysis which demonstrates clearly the manoeuvrability of large tenders entering and turning within the site. As such I do not consider that the second reason for refusal should be included, in the event that the Board area minded to uphold the decision of the Galway County Council and refuse permission.

### **8.3. Public Health.**

- 8.3.1. The 3<sup>rd</sup> reason for refusal relates to the proposed connection to the municipal services in terms of water supply and wastewater/drainage. The application as submitted did not provide any confirmation that there is capacity within the existing network to serve

the development as proposed. The Planning Authority within the reason for refusal makes reference to Policy Objective WS4 and DMS Standard 36 of the Galway County Development Plan 2022-2028 which both require that any developer seeking permission to connection to the public services public liaise with Uisce Eireann prior to the submission of the planning application. The County Development Plan clearly states under DM Standard 36 that the applicant should make a pre-connection enquiry to Irish Water in order to establish the feasibility of a connection in advance of seeking planning permission.

- 8.3.2. The applicant has submitted as part of their 1<sup>st</sup> party appeal a copy of the correspondence received from Uisce Eireann in response to the pre-connection enquiry that they submitted. The e-mail is dated the 18th of December 2024 and provides a reference number of the enquiry made. I note that this correspondence from Uisce Eireann is not a confirmation of feasibility but rather a receipt of a pre-connection submission. As such it is still remains unclear if the proposed connection would be feasible.
- 8.3.3. The appellant states that there are services located close to the subject site and the proposed development will be serviced as an extension to the existing development at Coole Haven. It is further stated that it is common practice for a condition to be added in the event of a grant of permission that a connection agreement be in place prior to the commencement of development.
- 8.3.4. While it is still remains unclear if the connection being proposed to serve the site for waste water and water connection is feasible, I consider that the applicant has overcome the concerns raised by the Planning Authority as they have engaged with Uisce Eireann as required under Policy Objective WS4 and DMS Standard 36 of the Galway County Development Plan 2022-2028. Furthermore, I note from review Uisce Eireann's Wastewater treatment capacity register, on the 28<sup>th</sup> March 2025 that there is capacity available for Gort. However, from accessing the Water Supply Capacity Register on the same date I note that the potential capacity available and it states that a level of service is required. Level of Service required relates to the reliability of the supply that customers can expect to receive. I consider that this adequately addressed the concerns raised with regard to public health.



#### **8.4. Other Issues**

##### **8.4.1. Impact on Residential Amenity**

A number of observations received have raised concern over the impact the proposal would have upon the current level of residential amenities enjoyed by the adjoining residents in terms of overlooking, overshadowing and overbearance.

Having regard to the overall layout of the proposed dwellings and the separation distance provided I do not anticipate that the proposal would give rise to issues of overlooking. Having regard to the ridge level of the proposed dwellings which are in keeping with that permitted within the Coole Haben Estates I do not anticipate that the proposal would be overbearing.

Furthermore, having regard to the orientation of the site relative to the path of the sun and the separation distance of c. 6.8m provided I do not consider that the proposal would give rise to undue issues of overshadowing.

##### **8.4.2. Legal Interest**

A number of observers to this appeal consider that the applicant does not have a legal interest to provide vehicular access from Coole Haven to the proposed development and that the boundary wall is not within the applicant's ownership.

I note that the boundary wall has been located within the red line boundary of the subject site. In addition, from a review of Galway County Council mapping system on the 28<sup>th</sup> March 2025 I note that the road from which access is being provided to serve the proposed development, which is located within the Coole Haven Estate, has been taken in charge by the Local Authority. I am therefore satisfied that the vehicular access as proposed can be achieved.

##### **8.4.3. Discrepancies in validation of planning application**

Observations received raise concerns over the validation process undertaken by the Planning Authority. The issues relate to the statutory description of development, location of the site notice and details being omitted from the site layout/location maps submitted.

I note that the Planning Authority consider that the application was acceptable in light of the validation processes. I therefore accept that the assessment of the Planning Authority in terms of validity to be acceptable.

## **9.0 AA Screening**

- 9.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 9.2. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the Coole-Garryland Complex SAC (site code 000252) and Coole-Garryland SPA (004107) which are located c.476m to the west of the subject site, of the Slieve Aughty Mountains SPA (site Code 004168) which is located 4.7km to the east and the Lough Cutra SPA (site code 004056) and the Lough Cutra SAC (site code 000299) located c.3.8km to the south-east.
- 9.3. The applicant is seeking permission for the demolition of the existing derelict dwelling structure on site and the construction of 6 no. dwellings. Access is proposed to be provided via an existing residential development. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage.
- 9.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The proposed works are limited in scale and located in an area where existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.

- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. Please refer to appendix 2 of my report for a full screening assessment.

## 10.0 Recommendation

I recommend that the Board overturn the decision of Galway County Council and refuse planning permission for the reasons set out below.

## 11.0 Reasons and Considerations

1. The proposed development as presented would represent an overdevelopment of a backland restricted site which would fail to provide for an adequate level of amenity for any future potential residents, would fail to comply with SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which relates to the provision of private amenity space, Table 5.1 and Section 5.3.2 of the Quality Housing for Sustainable Communities, Best Practice Guidelines 2007 which sets out the sequential standards for new dwellings, and would fail to accord with Policy Objective PM 10 relating to design quality, Policy Objective UL 2 relating to layout and design and DM Standard 1 relating to qualitative assessments in terms of design quality, Guidelines and Statements of the Galway County Development Plan 2022-2028 and would not be in keeping with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought

to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Kathy Tuck  
Planning Inspector

9<sup>th</sup> April 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-321719-25		
<b>Proposed Development Summary</b>	Demolition of existing dwelling and the consecution of 6 no. serviced dwellings.		
<b>Development Address</b>	Coole Haven, Crowe Street, Gort, Co. Galway.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			

<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 321719-25</b>
<b>Proposed Development Summary</b>	Permission for the demolition of house and the construction of six houses, together with all associated works.
<b>Development Address</b>	Coole Haven, Crowe Street, Gort, Co. Galway.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> <b>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</b>	<p>This is an application for the demolition of the existing derelict dwelling and the construction of a 6 no. dwelling units, and associated site works.</p> <p>Access is proposed to be provided via an existing residential development.</p> <p>The operational development would connect to existing municipal services in terms of water supply and wastewater/drainage.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<b>Location of development</b> <b>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</b>	<p>The subject site is location within the development boundary of Gort, Co. Galway.</p> <p>The development is removed from sensitive natural habitats,</p>

<p><b>absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</b></p>	<p>centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites. The site is located 476.6m to the east of the Coole-Garryland Complex SAC (site code 000252) and Coole-Garryland SPA (Site Code 004107).</p>
<p><b>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</b></p>	<p>Having regard to the location of the subject site within the development boundary of Gort, Co. Galway which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act</p>
<p><b>Conclusion</b></p>	
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA is not required.</b></p>	

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## **Appendix 3**

### **Appropriate Assessment Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or is not immediately adjacent to any Natura 2000 sites. The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c. 476.6m to the east of the Coole-Garryland Complex SAC (site code 000252) and Coole-Garryland SPA (Site Code 004107); c.4.7km to the west of the Slieve Aughty Mountains SPA (site Code 004168); and 3.88km to the north-west of the Lough Cutra SPA (site code 004056) and the Lough Cutra SAC (site code 000299).

The application is seeking permission for the demolition of the existing derelict dwelling structure on site and the construction of 6 no. dwellings. Access is proposed to be provided via an existing residential development. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and wastewater/drainage.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale and located in an area where existing connections into the public sewer available to serve the subject site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and

Development Act 2000) is not required. Please refer to appendix 2 of my report for a full screening assessment.

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_