



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306403-20

Strategic Housing Development

Student accommodation with 255
bedspaces

Location

Coolough Road, Galway

Planning Authority

Galway City Council

Applicant

Montane Developments (Ireland) Ltd.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Department of Culture, Heritage and
the Gaeltacht

Observers

1. Billy and Maria Hutton
2. Breda Roughan
3. Carmel Egan

4. Crestwood Residents' Association
5. Galway Cycling Campaign
6. Eamonn and Loretta Fay
7. Geraldine Daly
8. Joe Kennedy
9. John McWalter
10. Kathleen Faherty
11. Lucia, Edward and Oisín Coughlan
12. Marion and Aisling Kirrane
13. Michael and Noreen McDonagh
14. Noel Boyle and others
15. Pat Mattimoe
16. Paul and Anne McDonagh
17. Peter O'Kane
18. Sylvia and Brian McDonagh
19. Tirellan Residents' Association

Date of Site Inspection

23rd April 2020

Inspector

Stephen J. O'Sullivan

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is in Galway in the suburb of Terryland c2km north of the city centre at Eyre Square. It has a stated area 1.32ha. It is currently an overgrown grassy field with some rocky outcrops. It has a triangular shape. It has c230m of frontage along the eastern side of the Coolough Road. The land on the other side of that road is pastoral and runs down to the Corrib River, apart from the plots of some detached houses. Most of the north-eastern boundary of the site runs along the back of the curtilages of houses in an estate called Crestwood, but its southern end runs along the side of the curtilage of a house and the head of a cul-de-sac in the estate. This corner of the site is near a mass rock that stands on a grassy verge along the cul-de-sac in the Crestwood. Part of the south-eastern boundary runs along the back of the curtilages of houses in an estate called Tirellan. The rest of it adjoins other scrubland. The site is higher than lands around it. Its front boundary is marked by a low stone wall. There are footpaths on both sides of the Coolough Road and streetlights. A gas main runs across the southern part of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 255 student bedspaces in 38 clusters. There would be 250 single en-suite bedrooms of 12.95m², and 5 single accessible en-suite rooms of 26.44m². Each cluster would have a kitchen/dining room of between 27m² and 33m².

The proposed mix of clusters would be as follows-

	5 bed	6 bed	7 bed	8 bed	Total
Clusters	3	14	12	9	38

The development would include a laundry of 110m², a gym of 134m², a common room of 125m² and a seminar room of 58m². The gross floor area of the development would be 6,670m². There would be parking for 8 cars, 280 bikes and 3 motorbikes on the site, and a turning head to accommodate a minibus.

- 3.2. The accommodation would be provided in two buildings. Block A would face the front of the site. It would 3 storeys high, dropping to two storeys at the northern end of the site. The vehicular access to the car and bus parking on the site would run through this block from the Coolough Road. No other access to the student accommodation is proposed. Block B would be L-shaped. A single storey element would be parallel to the north-eastern boundary of the site. The other perpendicular element would be 3 and 4 storeys high. It would be parallel to the south-eastern boundary of the site with a setback of between 21m and 32m. The intervening land over the gas main would be laid out as a running track and a fire tender access from the Coolough Road. The buildings would have flat roofs and finishes of coloured cladding, brick and render.
- 3.3. The proposed development includes works to the public road outside the main part of the site. They would reduce the width of the T junction between the Coolough Road and the Dyke Road just south of the proposed accommodations, and provide c70m of new footpath on one side of the Dyke Road c750m further south near its crossing of the Terryland River.

4.0 Planning History

- 4.1. ABP-302626-20, Reg. Ref. 17-377 – The board granted permission on 7th February 2019 to build 30 homes on the site consisting of 18 apartments in a 3-storey building and 12 terraced houses. The inspector stated that the proposed development would not be likely to have significant effects on the Lough Corrib SAC and screened out the need for appropriate assessment. Condition no. 2 of the permission requires a 20m buffer zone around the national monument GA082-096 with no building, ground works or landscaping inside it. The planning authority had decided to grant permission.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of Galway City Council on 27th June 2019 in respect of a proposed development of 272 student bedspaces on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Locational Justification including accessibility by sustainable transport
2. Urban Design including height and layout and compliance with Design Manual and DMURS
3. Design Standards including amenity for occupants
4. Impact on Surrounding Residential Amenity
5. Drainage/Water Supply
6. Appropriate Assessment Screening
7. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

5.2. The board issued an opinion on which stated that the submitted documents constituted a reasonable basis for an application for strategic housing development.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission –

1. Student Demand and Concentration Report.
2. A detailed layout plan and report outlining pedestrian and cycle connectivity to the NUIG Campus, to surrounding services and to the City Centre, including details of any infrastructural improvement works proposed as part of the application.
3. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing development, including the surrounding residential development.
4. A site specific Student Management Plan which includes details on management outside of term-time.
5. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular

regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

6. A plan of the proposed open space within the site clearly delineating public, semi-private and private spaces.
7. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
8. Construction and Demolition Waste Management Plan;
9. Details of public lighting.

5.4. Applicant's Statement

- 5.4.1. The applicant states that it has submitted the information requested in the opinion. The layout is revised to have lower buildings adjacent to the back of the single storey houses at Crestwood and frontage onto Coolough Road with an overall reduction in the number of bedspaces from 272 to 255 in the proposed development.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 27 is to provide alternatives to travel by private car and to prioritise walking and cycling in development. Objective 35 is to increase residential density in settlements through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height. Objective 8 of the framework sets ambitious growth targets for Galway, proposing a c.50% growth in population to 120,000 by 2040. In achieving this it places an emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building formats than hitherto provided for. At Section 6.6, dealing with housing, the

framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

- 6.1.2. The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 3,230 spaces were available in Galway 2017 and projects that 6,652 would be needed in 2024. A progress report issued in November 2019 reported that 429 bedspaces had been provided in Galway between 2016 and 2019 by NUIG.
- 6.1.3. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. SPPR 1 states government policy in favour of increased building heights in urban locations. Section 3.6 states the development in suburban areas should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods.
- 6.1.4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 dph will be encouraged, and those below 30dph will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.
- 6.1.5. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that intermediate urban areas within 10 minutes' walk of centres or 5 minutes' walk of frequent bus routes are suitable for higher density development of more than 45dph

comprised wholly of apartments. Other peripheral urban locations are generally suitable for development at densities of less than 45 dph that includes apartments.

- 6.1.6. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 4.3.1 states that the crossovers across footpaths should indicate that pedestrians retain priority unless the entrance is heavily trafficked. Section 4.3.3 states that corner radius of junctions between arterial streets should not exceed 6m which is adequate to allow buses and large vehicles to turn without crossing the centre line of the street. Section 4.39 states that pedestrian crossings across streets should allow them to cross in a single direct movement.

6.2. Regional Policy

- 6.2.1. The Regional Spatial and Economic Strategy for the Northern and Western Region made in 2020 includes a strategic plan for the Galway metropolitan area at section 3.6. It states that it is an objective of the plan is to support the provision of purpose-built student accommodation both on and off-campus at appropriate locations. Delivery of this type of accommodation can be met on a variety of mixed zoned sites and is beneficial in freeing up existing private house stock within existing housing developments. This type of accommodation also has the potential to meet tourism accommodation demands outside term time.

6.3. Local Policy

- 6.3.1. The Galway City Development Plan 2017-2023 applies. Most of the site is zoned under objective R for residential development, but a strip along the south-eastern boundary is zoned under objective RA for recreational uses, open space, amenity and natural heritage. The land on the opposite side of the Coolough Road is zoned R- Residential. The land further west down to the river is zoned G for agriculture and amenity. Policy 2.6 of the plan refers to established suburbs. It is to ensure a balance between the reasonable protection of the amenities and character of those suburbs and the need to provide for sustainable residential development. Policy 8.7 refers to urban design. It states *inter alia* that proposals for buildings which are taller than the prevailing benchmark heights will only be considered where they do not have an adverse impact on the context of historic buildings, Architectural Conservation Areas, residential amenity or impinge upon strategic views. Section

11.32 of the plan refers to outer suburbs and states that higher residential densities may be appropriate for new residential development which has regard to the prevailing pattern, form and density of those areas.

6.3.2. Section 11.29 of the plan refers to student accommodation. It states that the City Council supports the provision of high quality, professionally managed, purpose built student accommodation on and off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes in a manner that respects the residential amenities of the surrounding area. The section also states that when assessing planning applications for student accommodation consideration will be given to the following:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- The number of existing similar facilities in the area. In assessing a proposal for student accommodation the Council will take cognisance of the amount of student accommodation which exists in the locality and will resist the over-concentration of such schemes in any one area, in the interests of sustainable development and residential amenity.
- Details of the full nature and extent of use of the proposed use of the facilities outside of term time.
- Consideration regarding compliance with Part V arrangements for social housing will not be required

- where the accommodation is for student accommodation of a recognised third level institution.

6.4. Natural Heritage Designations

6.4.1. The Special Area of Conservation (SAC) at Lough Corrib SAC is c75m west of the site at its nearest point. The SAC for the Galway Bay Complex is c1.5km south of the site. The Special Protection Area (SPA) for Inner Galway Bay is c1.6km south of the site.

6.5. Statement of Consistency

6.5.1. The applicant's statement says that the site is vacant land in an existing suburb 1.5km from the city centre. The proposed facility would serve the growing student population in Galway. The site is not ecologically sensitive. The site is 74m from the SAC at Lough Corrib although it is part of the same hydrometric area so an NIS is submitted.

6.5.2. The proposed development would provide residential development in a zoned and serviced urban area and so would be in keeping with objectives 4, 11, 13, 27 and 35 of the National Planning Framework. It would also contribute to the achievement of the objectives of the National Student Accommodation Strategy. It would represent compact urban growth in Galway that would be in keeping with the RSES which also recognises the need for off-campus student accommodation in the city. The provision of buildings 2 to 4 storeys high and street frontage is in keeping with the 2018 guidelines on building height. The proposed development would be in keeping with the 2009 guidelines on sustainable urban residential development because it would have good quality pedestrian and cycle links to the city centre and NUIG and can support a bus link to the college, it would provide amenities for its residents and is at an appropriate density. It is in an intermediate location under the criteria set out in 2018 guidelines on apartment design which is suitable for apartment development above a density of 45dph. The proposed density would be equivalent to 56dph based on the area of the site that is zoned residential. A shared surface would be provided in line with DMURS. The site is in flood risk zone C per the 2009 guidelines on that topic where residential development is acceptable.

6.5.3. The proposed development would be in keeping with the residential and open space zonings of the two parts of the site under the city development plan. Its height and

design would be in keeping with section 8.7 of the plan. There are no protected structures or architectural conservation areas near the site. The plot ratio of 0.46 is justified under section 11.32 of the plan. Section 11.29 of the plan supports the proposed development of off-campus student accommodation at this location because it is accessible to NUIG on foot and by bus or bicycle; it would not have a significant impact on local amenities; would have substantial open space; would have limited car parking; would have significant supporting amenities; would have good design; there is only one other similar facility within 500m; and a management scheme is submitted. The site is within 250m of the 407 bus route.

7.0 Third Party Submissions

7.1. Nineteen submissions on the application have been received from the public. They object to the proposed development on grounds that can be summarised as follows-

- The location is not suitable for development of this nature and scale. It is on the edge of the city by the countryside. The adjoining residential development is low density. The site is not easily accessible from NUIG. It is up to 30 minutes' walk from the campus. The road between them has poor facilities for pedestrians and cyclists. The area is served by an infrequent bus service that only runs every 30 minutes and which does not go to the college. The proposed development would be 450m walk from the nearest stop. The site is therefore in a peripheral urban area under section 2.4 of the 2018 apartment design guidelines which are stated not to be suitable for high density apartment developments above 45dph. The density of the proposed development would be well above this limit having regard to the number of bedrooms that would it would contain and the limited area of the site zoned for residential development. The proposed development would therefore be over development of the site whose scale and height would be excessive and out of character with the surrounding area.
- The proposed development would contravene the provisions of the development plan set out at section 2.6 and 11.29 because it would be out of character with the established suburb in which it would stand and would give rise to an unsustainable social mix with too many students in the area. The use

of the development during the summer is not properly described. The proposal would not provide adequate amenity space for its occupants. The proposed 20mm of topsoil would not be adequate to allow planting of the open space. .

- The proposed development would be visually obtrusive. It would have a substantial and overbearing mass when viewed from the Crestwood Estate as demonstrated by the submitted photomontages, in particular views 7 and 9. Additional antennae, plant etc, could be placed on the roof which would exacerbate its visual impact. The conclusions of the submitted visual impact assessment are disputed. It would therefore injure the amenities of the area and those of adjoining properties.
- The proposed development could give rise to noise and anti-social behaviour. It would unduly overlook, overshadow and overbear neighbouring houses many of which are bungalows. It would allow access to back garden walls and threaten the security of houses. The bin stores would be right against the boundaries with other residential properties. The proposed development would therefore seriously injure the amenities
- The buildings works to carry out the development would cause a nuisance to neighbouring houses given rise to pollution from noise and dust. They would require rock breaking which would threaten the amenities and structural integrity of neighbouring properties. A survey of adjoining properties is required and owners should indemnified against any damage.
- Inadequate parking would be provided which would lead to haphazard on-street parking that would cause obstructions and hazards on neighbouring streets. The proposed development would generate traffic that would exacerbate congestion on the substandard road network, particularly on the Dyke Road and when Terryland Park is in use.
- The proposed development is not suitably permeable. In the absence of links to Crestwood the nearest stops for buses from the centre would be 470m from the development.
- It was not appropriate to make an applicant for the current development while consideration was being given to the previous application for houses on the site and the appeal against the council's decision.

- The proposed development raises significant local issues regarding planning, the choice of location and aesthetic impact. The SHD process is a constraint on local democracy and citizens' rights. The documentation for the applicant should be displayed on the council's website. Meetings have taken place between the development, the council and the board without input from the public.
- Inadequate proposals have been made for cycle parking. It is not clear that sheltered secure spaces would be provided. Sheffield stands should be used. A contribution should be required for a ramp from the southern side of the Quincentennial Bridge to the Dyke Road to facilitate cycling between the site and NUIG.

8.0 Planning Authority Submission

- 8.1. The submission stated that the area committee of elected members did not have a meeting during the period in which they could make a submission.
- 8.2. The Chief Executive's report recommends that permission be refused for two reasons. The first states that the proposed development would be out of character with the adjoining residential and rural areas and is not suitable for an established suburb nor does it provide a proper transition to the countryside. The second reason states that the development would be premature due to the deficiencies in the facilities along the Dyke Road for pedestrians, cyclists and those with impaired mobility. If permission is granted 28 conditions are proposed, including those which would amend the proposed development by omitting the part of Block A over the entrance to the car park and the bike stands in the open spaces.
- 8.3. The report states that student accommodation is acceptable under the R zoning objective. However the current site is at the edge of the city where there is suburban housing and countryside. The scale and intensity of the proposed student accommodation would have a negative impact on the residential character of the area and the amenities of neighbouring properties. It would be at a significant remove from services on the urban edge. This is not a sustainable location for such a development. It is a peripheral urban location under the apartment design guidelines being more than 1km from the city centre and 500m from a frequent bus

service. It is not suitable for a development that is at a density equivalent to 56 dph over the 6,790m² of the site that is zoned residential. The proposed bridge over the access looks institutional. It is not appropriate to provide an emergency access over open space. The usefulness of the open green space is undermined by the profusion of bicycle stands. The open space is not of a useable shape. There should be at least one car parking space per apartment in line with section 4.22 of the apartment design guidelines.

- 8.4. The Water Services Section advised that the proposed drainage arrangements were acceptable. The Transportation Section said that the council has not agreed to the proposed works on the Dyke Road. The facilities for pedestrians, cyclists and those with impaired mobility are deficient on that road and the proposed works do not adequately address them so the proposed development would be premature. The access to the Coolough Road does not comply with DMURS.

9.0 Prescribed Bodies

- 9.1. Irish Water stated that the proposed connections to its networks can be facilitated.
- 9.2. The Department of Culture, Heritage and the Gaeltacht stated that the proposed development would not have a direct impact on the adjacent national monument GA082-096 at the mass rock in the Crestwood Estate, but that there was a potential for an effect when the connection to services was made in the adjoining estate. A 20m buffer would be required around the monument as was imposed by the conditions of the existing permission on the site without disturbance of the ground.
- 9.3. Transport Infrastructure Ireland stated that the recommendations of the submitted Road Safety Audit and Transport Assessment should be implemented.

10.0 Screening for Appropriate Assessment

- 10.1.1. The application site is c75m east of the nearest point of the SAC at Lough Corrib site code 000297, c1.5km north of the SAC for the Galway Bay Complex site code 000268 and c1.6km north of the SPA for the Inner Galway Bay site code 004031. There are no other Natura 2000 sites that the proposed development could

conceivably have the potential to affect, having regard to their locations and the size and nature of the proposed development.

10.1.2. The conservation objectives of the Lough Corrib SAC are:

- To restore the favourable conservation condition of the following species-
1029 Freshwater Pearl Mussel *Margaritifera margaritifera*
1095 Sea Lamprey *Petromyzon marinus*
1303 Lesser Horseshoe Bat *Rhinolophus hipposideros*
1833 Slender Naiad *Najas flexilis*
- To maintain the favourable conservation condition of the following species -
092 White-clawed Crayfish *Austropotamobius pallipes*
1096 Brook Lamprey *Lampetra planeri*
1106 Salmon *Salmo salar*
1355 Otter *Lutra lutra*
1393 Slender Green Feather-moss *Drepanocladus vernicosus*
- To restore the favourable conservation condition of the following habitats -
3110 Oligotrophic waters containing very few minerals of sandy plains
(*Littorelletalia uniflorae*)
3130 Oligotrophic to mesotrophic standing waters with vegetation of the
Littorelletea uniflorae and/or *Isoeto-Nanojuncetea*
3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.
7110 Active raised bogs
and
- To maintain the favourable conservation condition of the following habitats –
3260 Water courses of plain to montane levels with the *Ranunculion fluitantis*
and *Callitriche-Batrachion* vegetation
6210 Semi-natural dry grasslands and scrubland facies on calcareous
substrates (*Festuco-Brometalia*) (* important orchid sites)

6410 meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)

7210 Calcareous fens with and species of the Caricion davallianae

7220 Petrifying springs with tufa formation (Cratoneurion)

7230 Alkaline fens

8240 Limestone pavements

91A0 Old sessile oak woods with and in the British Isles

91D0 Bog woodland

10.1.3. The conservation objectives for the Galway Bay Complex SAC are

- To maintain the favourable conservation condition of the following species

1365 Harbour seal *Phoca vitulina*

- To restore the favourable conservation condition of the following species

1355 Otter *Lutra lutra*

- To maintain the favourable conservation condition of the following habitats

1140 Mudflats and sandflats not covered by seawater at low tide

1160 Large shallow inlets and bays

1170 Reefs

1220 Perennial vegetation of stony banks

1310 Salicornia and other annuals colonising mud and sand

3180 Turloughs*

6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)

7210 Calcareous fens with and species of the Caricion davallianae*

7230 Alkaline fens , and

- to restore the favourable conservation condition of the following habitats

1150 Coastal lagoons*

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

5130 *Juniperus communis* formations on heaths or calcareous grasslands

10.1.4. The conservation objectives for the Inner Galway Bay SPA are to maintain the favourable conservation conditions of the following species and habitat -

A003 Great Northern Diver *Gavia immer*

A017 Cormorant *Phalacrocorax carbo*

A028 Grey Heron *Ardea cinerea*

A046 Brent Goose *Branta bernicla hrota*

A050 Wigeon *Anas penelope*

A052 Teal *Anas crecca*

A056 Shoveler *Anas clypeata*

A069 Red-breasted Merganser *Mergus serrator*

A137 Ringed Plover *Charadrius hiaticula*

A140 Golden Plover *Pluvialis apricaria*

A142 Lapwing *Vanellus vanellus*

A149 Dunlin *Calidris alpina alpina*

A157 Bar-tailed Godwit *Limosa lapponica*

A160 Curlew *Numenius arquata*

A162 Redshank *Tringa tetanus*

A169 Turnstone *Arenaria interpres*

A179 Black-headed Gull *Chroicocephalus ridibundus*

A182 Common Gull *Larus canus*

A191 Sandwich Tern *Sterna sandvicensis*

A193 Common Tern *Sterna hirundo*

A999 Wetlands

- 10.1.5. The proposed development would not physically impinge on the Natura 2000 sites. It is separated from the Lough Corrib SAC by a public road and other land occupied by housing or zoned for its construction. The application site does not accommodate the habitats or species to which the conservation objectives of the Natura 2000 sites refer, as set out in the Natura Impact Statement (NIS) and Ecological Impact Report submitted with the application. The application site is zoned and serviced urban land bounded by the existing built up area of the city. The foul and stormwater sewerage and water supply for the proposed development would be from the city's networks, upon which its impact would be negligible. As a consequence of these circumstances the proposed development would not have any direct effect on the SACs at Lough Corrib and the Galway Bay Complex or the SPA at Inner Galway Bay; and it would not be likely to have a significant indirect effect during the construction or occupation due to noise or disturbance or emissions to air, and it would not be likely to have a significant indirect effect from emissions to water during the occupation of the development.
- 10.1.6. The NIS refers to the deposition of spoil from the construction of the proposed development outside the application site on or near the Lough Corrib SAC as one of the potential effects that would require a stage 2 appropriate assessment. A grant of permission for the current application would not authorise deposition of spoil or or near the SAC. Such deposition would not be a normal part of the carrying out of a development of the type proposed on a site like the current one. It would be a separate wanton act which would be a contravention of other legislation under the Habitats Directive. It would be unreasonable to regard it or any of the effects that might emerge from it as likely to happen in the course of the proposed development.
- 10.1.7. There are no significant surface water features in or around the site. It is not likely that any emission to surface water during construction could have a significant effect on the quality of waters in the SAC at Lough Corrib or the SAC or SPA at Galway Bay. The NIS refers to the report submitted with the application regarding soils, geology, hydrogeology and drainage. That report states that the soils on the site are shallow and are underlain by limestone which has undergone karstification and has a well developed fracture system, although no specific features were observed on the site. The NIS states that this characteristic of the site means that the groundwater beneath it is unusually vulnerable to pollution from silt and from the fuels, lubricants

and cement that would be used during construction of the proposed development which would in turn be likely to have a significant effect on the quality of waters downstream of the site including those in the Lough Corrib SAC and the SAC and SPA at Galway Bay. It therefore proceeds to a stage 2 appropriate assessment. The NIS describes measures to avoid this effect. These include ways of handling and using cement and hydrocarbons and the refuelling of vehicles, including the use of bunded areas and designated concrete washout areas on the site. All of the measures are standard for building projects and would be implemented in any scheme that was competently managed regardless of any proximity or other link to a Natura 2000 site. The NIS also describes standard measures to control the release of sediments to surface waters. The NIS concludes that the proposed works do not have the potential to significantly affect the conservation objectives of the Natura 2000 sites and the integrity of the site would not be affected.

10.1.8. The release of silt does not have the potential to contaminate groundwater and, in the absence of surface water connections between the site and the Corrib, does not have the potential to affect the quality of waters in the SACs and SPA downstream of the site. The construction of the development would not involve the use of unusual quantities of hydrocarbons or cement. No special measures are required to prevent their release to groundwater, just the normal level of competence and awareness that would be required on any building site. The NIS accepts that the carrying out of the development in what is the normal manner would render the release of contaminants to ground water unlikely. The submitted report on soils, geology, hydrogeology and drainage correctly characterises this risk as negligible. The Lough Corrib SAC is a very large site encompassing lacustrine habitats. The application site is downstream of nearly all of it. The application site is set back from the boundaries of that SAC. The application site is set back from the boundaries of the SAC and SPA at Galway Bay by a considerable distance. The protected aquatic environments in those Natura 2000 sites downstream are marine and emissions are therefore subject to greater levels of dilution. Given these circumstances, and the limited amounts of hydrocarbons and cement that would be used in the construction of the proposed development and the limited period in which they would be used on the site, there is no likelihood that emissions to groundwater during the construction of the proposed development could have a significant effect on any Natura 2000 site.

10.1.9. It is therefore evident from the information available to the board that the proposed development would not be likely to have a significant effect on any Natura 2000 site and an appropriate assessment is not required or warranted under the Habitats Directive or the national legislation implementing it. This conclusion is consistent with the zoning of the site for residential development under a development plan that was itself subject to appropriate assessment and with the approach taken by the board in the previous case on the site 302626. It differs from the advice in the NIS for the reasons set out above. The proposed development would not have any effect on any Natura 2000 site that could be rendered significant in combination with any other plan or project.

10.1.10. It is therefore reasonable to conclude on the basis of the information available to the board, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Special Area of Conservation at Lough Corrib site code 000297, the Special Area of Conservation at the Galway Bay Complex site code 000268, the Special Protection Area for Inner Galway Bay site code 004031 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

11.0 **Assessment**

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Policy and impact on the character of the area
- Residential amenity
- Access and parking
- Natural and cultural heritage
- Water supply and drainage
- Procedure

11.2. **Policy**

11.2.1. The proposed development would be within the built up area of Galway city and so would contribute to various objectives of the National Planning Framework including

Nos. 2a, 8 and 35. The proposed student accommodation is in keeping with the National Student Accommodation Strategy. This type of development is also supported by the section of the RSES that provides a metropolitan area plan for Galway.

- 11.2.2. The proposed development of buildings up to 4 storeys high in a suburban area is in keeping with the specific provisions at section 3.6 of the guidelines on building height issued in 2018. Those guidelines also provide a clear statement that government policy is in favour of greater building heights and densities in built up areas. It would contravene those guidelines to insist that new development in this area be restricted to the height of the existing one and two storey houses around the site.
- 11.2.3. The 2018 guidelines on apartment design do not refer to student accommodation and are not relevant to the current proposal.
- 11.2.4. The proposed student accommodation and recreational space would be in keeping with the zonings that apply to the site under the development plan.
- 11.2.5. Section 11.29 of the plan generally supports the development on student accommodation at sites off campus subject to several criteria. The site is 15 minutes' walk and 5 minutes' cycle from the NUIG campus. It is therefore accessible to the educational facilities by sustainable travel modes. As set out in the sections of this report below, it would not unduly affect the amenities of neighbouring houses and would provide its own residents with an adequate level of amenity. There are three other off-campus facility in the same quarter of Galway vicinity with 139 spaces at Menlo Park and 1,037 bedspaces at Cuirt and Gort na Coiribe. Given this context the proposed development would not give rise to an over-concentration of student accommodation in this part of the city. The number of students that would be in this area is proportional to its proximity to NUIG whose location and size is not within the scope of the current application. The proposed development would therefore be in keeping with section 11.29 of the development plan.
- 11.2.6. The submissions from the council and from several other persons stated that the nature and scale of the development was not appropriate for this area and would unduly affect its character. This is not accepted. The proposed development would be within the built up area of the city and within walking distance of the university. Its scale and height do not contravene any specific provision of the development plan.

The principles of proper planning favour the maintenance of a clear distinction between the countryside and the city, protecting the undeveloped character of the former which achieving a sustainable density of development on the serviced and accessible land in the latter. An interpretation of the development plan which fostered a low density transitional zone that blurred the distinction between the urban and rural areas would not be in keeping with higher level policy or with the proper planning and sustainable development of the area. The scale of the proposed development is appropriate to its context and would not damage the visual or social character of the established suburbs and rural areas in its vicinity. This conclusion is consistent with the visual impact assessment submitted with the application but does not rely upon it. The proposed development would therefore be in keeping with the applicable provisions of the development plan.

11.2.7. The detailed architectural design of the proposed development is of an acceptable standard. Its layout provides frontage to the street. The board should consider the planning authority's advice that provision of a link at second storey level in Block A over the access to the car park should be omitted. However my advice is that it is an acceptable element that would not visually incongruous in its setting. I do not recommend that it be omitted.

11.2.8. The board is therefore advised that the proposed development would not damage the visual or social character of the area and would be in keeping with the relevant national, regional and local planning policy.

11.3. **Residential amenity**

11.3.1. The four storey element of the proposed development would maintain a minimum separation distance of 21m from the boundary with the residential properties to the south at Tirellan Heights and more than 40m from the houses on those properties. Due to these circumstances the proposed development would not seriously injure the amenities of the houses to the south by virtue of overbearing, overshadowing, overlooking or otherwise. The separation from the southern boundary also means that the proposed development would not prejudice the layout of housing on the zoned land that abuts the western part of that boundary.

11.3.2. The separation distance, height and fenestration of the buildings facing the rear and side boundaries of the residential properties at Crestwood to the east of the site

takes proper account of the need to protect the amenities of those properties, most of which are occupied by bungalows. Most of the proposed development facing that boundary is single storey. The two storey part Block A near the boundary would be over 11m from the boundary. The elevation of the three-storey part of Block B facing the side of the curtilage of a house at Crestwood would not have windows onto habitable rooms. In these circumstances the proposed development would not unduly overlook, overbear or overshadow the adjoining residential properties to the east. The proposed location of the refuse store for the scheme along the back garden wall of two of the houses at Crestwood would give rise to an unnecessary risk of nuisance. This can be addressed by a condition requiring the relocation of the bin stores in conjunction with sheltered bike storage. This would involve the replacement of some of the proposed student accommodation. Subject to this change, the proposed development would not seriously injure the amenities of the residential properties at Crestwood.

- 11.3.3. The location of amenity space for the occupants of the proposed accommodation beside the boundaries of the gardens for the neighbouring houses is a standard and appropriate layout for development. It would not, in itself, threaten the security of the houses or their peaceful occupation. The application includes the normal proposals for the management of student accommodation during and outside term times which includes ways for noise and other complaints to be addressed. They would be sufficient to mitigate the risk of disturbance from noise or otherwise from the occupation of the student accommodation and the use of its open spaces.
- 11.3.4. The soil on the site is shallow and there are rocky outcrops upon it. The construction of the proposed development would therefore require some rock breaking. However the extent of such works would not be exceptional and their duration would be limited. They would not be likely to threaten the amenities or the integrity of neighbouring properties and would not justify refusing the current application or imposing extraordinary obligations on the developer that would be beyond the scope of planning law as was advocated in some of the submissions. The landscaping proposals are considered to be capable of implementation despite the relatively thin soils on the site.
- 11.3.5. The proposed accommodation would provide a reasonable amount of internal space for its occupants including supporting facilities. It also includes a reasonable level of

open space. I would concur with the submission of the council that the usefulness for passive recreation of some of the spaces would be reduced by the extensive outdoor bike parking proposed. This can be addressed by a condition replacing much of that bike parking with secure indoors storage. Notwithstanding the submission from the planning authority, the laying of a running track on part of the zoned open space is a suitable amenity to serve the occupants of the accommodation and would be compatible with the zoning of that land. The provision of emergency access for fire engines over open space does not negate its role and is a common feature of the layout for modern residential development.

11.3.6. It is therefore concluded that the proposed development would not unduly affect the amenities of property in the vicinity of the site and would provide its occupants with an acceptable level of amenity.

11.4. Access and parking

11.4.1. The site is within comfortable walking and cycling distance of NUIG and the applicant proposes to provide a bus link to the college in a manner similar to that serving other student residences off campus in the city. It is therefore reasonable to expect that travel between the proposed development and the college will mainly be by sustainable modes of travel. This conclusion does not assume that the public bus service would account for much of the travel generated by the proposed development. That service would be useful for some students travelling to the city centre, but its usefulness would be limited by the infrequency of the service and the additional walking distance to the actual stops that would arise from the absence of a pedestrian link from the proposed development to the adjoining street in the Crestwood estate.

11.4.2. The number of car parking spaces proposed is acceptable for a facility within 15 minutes' walk from the college. The amount of bicycle parking proposed is also adequate. However the greater proportion of that parking should be in sheltered and secure storage rather than on stands occupying green space, as advised in one of the submissions on the application. This can be addressed by condition.

11.4.3. The pedestrian facilities along the Coolough and Dyke Roads are sub-standard and incommodious. However they would not render walking or cycling between the proposed development and NUIG hazardous. A cycle rail is provided at the steps

from the on the southern side of the Quincentennial Bridge. The impact on safety of the gap in the footpath near the southern end of the Dyke Road is mitigated by the fact that the carriageway is narrow there and vehicular speeds are reduced. The excessive width of the junction of the Dyke and Coolough Roads is a greater concern. The proposed development includes measures to address both these deficiencies. It would be appropriate for the developer to make a special financial contribution towards those measures or to complete at its own expense. There is already a demand for walking and cycling facilities along the Dyke and Coolough Roads that would be appropriate to their location in the city. Refusing permission for this development would not obviate the need to improve those facilities. That need already exists. The submission from the council that the proposed development of zoned land is premature is therefore incorrect and is not accepted.

- 11.4.4. The entrance to the proposed development would be mainly used by pedestrians and cyclists. It would also provide access for a minibus and 8 car parking spaces. This use could be appropriately served by a crossover across the footpath in line with section 4.3.1 of DMURS. It would not justify the laying out of a new road junction as shown on the submitted site plan. This defect can be remedied by condition.
- 11.4.5. One of the submissions argued that pedestrian and cycle access should be provided from the street at Crestwood that terminates on the southern part of the site's north-eastern boundary. The creation of such permeability would normally be in keeping with the proper planning of urban areas. However no such access was proposed in the application, so other people would not have had the opportunity to comment upon it. It is not advised that such an access be required by condition, therefore. However it would be appropriate to specify that permission was not being granted for works in the relevant part of the site that would hinder such access being proposed in the future. This would affect the submitted landscaping proposals which seek to provide dense planting beside the public street at Crestwood. Such a restriction would also limit the disturbance of the ground near a recorded monument and would serve to protect cultural heritage.

11.5. **Natural and cultural heritage**

- 11.5.1. The site does not contain habitats of particular ecological value. Its development in line with its zonings would not threaten the natural heritage of the area.
- 11.5.2. The mass rock in the verge along the street in the Crestwood estate to the east of the site is a recorded monument, GA082-096. The proposed development would not directly affect the monument. The setting of the monument is a suburban part of the city. The proposed development would not change this fact. The proposed development would connect to watermains and sewers in the street beside the monument. It would not involve groundworks closer to the monument than those which occurred to build the existing street and services. There is an extant permission granted by the board to carry out similar works in this location. The previous permission included a condition protecting the area around the monument and the Department of Culture, Heritage and the Gaeltacht recommends that a similar one be imposed in the current case. Subject to this, the proposed development would not threaten the cultural heritage of the area.

11.6. **Drainage and water supply**

- 11.6.1. Irish Water has reported that it can facilitate the proposed connections to its water supply and foul sewerage networks. The site is not at particular risk of flooding. The council has reported its satisfaction with the proposed surface water drainage.

11.7. **Procedure**

- 11.7.1. Some of the submissions questioned the fairness and propriety of the procedures for Strategic Housing Development. These procedures are set down in legislation and the board is obliged to follow them. There is no basis in legislation to delay consideration of the current application due to the prior application for a substantially different type of development on the current site.

12.0 **Recommendation**

- 12.1. I recommend that permission be granted subject to the conditions set out below.

13.0 **Reasons and Considerations**

Having regard to:

- (a) the location of the site in relation to the National University of Ireland Galway and the available facilities for movement between them by sustainable modes of travel;
- (b) the National Planning Framework and the National Student Accommodation Strategy issued by the Minister for Education and Science in July 2017
- (c) the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018
- (d) the Regional Spatial and Economic Strategy for the Northern and Western Region adopted in 2020
- (e) the policies and objectives of the Galway City Development Plan 2017 – 2023 including the zoning of the site and sections 2.6, 11.29 and 11.32 of that plan; and
- (f) the pattern of existing development in the area;

it is considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing character of the area; would not seriously injure the residential amenities of properties in the vicinity; would provide a reasonable standard of amenity for its occupants; would not injure the cultural and natural heritage of the area; and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on the Special Area of Conservation at Lough Corrib site code 000297, the Special Area of Conservation at the Galway Bay Complex site code 000268 and the Special Protection Area for Inner Galway Bay site code 004031, taking into account the nature, scale and location of the proposed development, the information submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the development that is authorised by this permission would not be likely to have a significant effect on the above European Sites or on any other European Site in view of the sites'

conservation objectives, either individually or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment is not required.

14.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Cluster no. 7 on the ground floor of Block B shall be omitted and the resulting space shall be used to provide a refuse store and sheltered bicycle storage. The permitted development therefore comprises 248 bedspaces in 37 clusters.
 - (b) The proposed refuse store on the north-eastern site boundary shall be omitted from the development
 - (c) 20 Sheffield stands for bicycle parking shall be provided at outdoor locations through the development. All the other bicycle stands proposed on the open green spaces shall be omitted.
 - (d) The public footpath and pedestrian priority shall continue across the proposed main access to the development and across the secondary access to the Coolough Road.

(e) No structures shall be erected or no screen planting shall be carried out on the part of the site between the end of the proposed running track and the head of the cul-de-sac at Crestwood in the south-eastern corner of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity, road safety and cultural heritage

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall ensure that -
 - (a) A 20 metre buffer, delineated by suitable secure fencing, shall be established between the development and the external perimeter of Sites and Monument Record number GA082-096 Mass Rock, prior to commencement of any development within the site,
 - (b) no ground works for the erection of buildings, landscaping or boundary works shall take place within the 20 metres buffer zone,
 - (c) the planning authority is notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (d) a suitably-qualified archaeologist is employed who shall monitor all site investigations and other excavation works, and
 - (e) arrangements, acceptable to the planning authority, are provided for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

4. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

5. The proposed development shall be implemented as follows:
 - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application
 - (b) Student House Units shall not be amalgamated or combined.

Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

6. Prior to commencement of development a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority.

Reason: In the interest of local heritage.

7. Details and samples of the materials, colours and textures of all the external finishes to the proposed development, including pavement

finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Full details of all signs associated with the overall scheme and individual blocks shall be submitted to, and agreed in writing with, the planning authority prior to their erection on site.

Reason: In the interest of the visual amenities of the area.

10. The site shall be fully landscaped in accordance with the submitted landscape plans within the first planting season following completion of the development, except for works and planting within the exclusion zone required under conditions 2 and 3 above in the south-eastern corner of the site.

Reason: In the interest of the visual and residential amenities of the area.

11. No access to the roof areas other than for maintenance shall be permitted.

Reason: In the interest of the residential amenity of adjoining properties.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health

14. Prior to the commencement of development, a mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use the following shall be submitted to, and agreed in writing with, the planning authority:

Reason: To support sustainable travel.

15. (a) During the operational phase the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:-
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction

practice for the development, including hours of working, noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials (and for the ongoing operation of these facilities) in line with the requirement of condition 2 above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to improve the junction of the Dyke Road and Coolough Road and the footpaths on the Dyke Road as described in the Road Safety Audit submitted with the application. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office. Alternatively the developer may carry out these works at its own expense in accordance with the specifications of the planning authority and those set out in DMURS which shall *inter alia* reduce the

corner radii at the junction of the Dyke Road and Coolough Road to no more than 6 metres.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

.Stephen J. O'Sullivan
Planning Inspector

15th May 2020