



An
Bord
Pleanála

Inspector's Report

ABP-309623-21

| | |
|-------------------------------------|---|
| Development | Permission for demolition of existing chiropractic clinic and garage, construction of 4-storey apartment building incorporating 12 no. apartment units, provision of 12 no. car parking spaces, and all associated site works |
| Location | Estelle, Tuam Road, Galway |
| Planning Authority | Galway City Council |
| Planning Authority Reg. Ref. | 20178 |
| Applicant(s) | Ian O'Donoghue |
| Type of Application | Permission |
| Planning Authority Decision | Grant with Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Peter Flannery Desmond and Evelyn Conway Margaret and Basil Wynne |

Riverside Estate & Tuam Road
Residents

Observer(s)

Gerard and Carmel McLoughlin

Date of Site Inspection

05/05/2021

Inspector

Adrian Ormsby

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 5 |
| 2.0 Proposed Development | 5 |
| 3.0 Planning Authority Decision | 7 |
| 3.1. Decision | 7 |
| 4.0 Planning Authority Reports | 8 |
| 4.1. Planning Reports..... | 8 |
| 4.2. Other Technical Reports | 10 |
| 4.3. Prescribed Bodies | 10 |
| 4.4. Third Party Observations | 11 |
| 5.0 Planning History..... | 11 |
| 6.0 Policy Context..... | 11 |
| 6.1. National Policy | 11 |
| 6.2. Regional Guidance..... | 13 |
| 6.3. Ministerial Guidelines and Other Guidance | 14 |
| 6.4. Galway City Development Plan 2017 - 2023..... | 20 |
| 6.5. Natural Heritage Designations | 23 |
| 6.6. EIA Screening | 23 |
| 7.0 The Appeal | 24 |
| 7.1. Grounds of Appeal | 24 |
| 7.2. Applicant Response | 25 |
| 7.3. Planning Authority Response | 28 |
| 7.4. Observations | 29 |
| 7.5. Further Responses..... | 30 |

| | |
|--|----|
| 8.0 Assessment..... | 31 |
| 8.1. Introduction | 31 |
| 8.2. The Development to be Considered..... | 32 |
| 8.3. Planning Context, Zoning and Principle of the Development | 32 |
| 8.4. Building Height, Design and Visual Impact | 34 |
| 8.5. Apartment Standards | 36 |
| 8.6. Overdevelopment and Density | 40 |
| 8.7. Residential Amenity | 42 |
| 8.8. Transport Related Issues | 55 |
| 8.9. Appropriate Assessment | 57 |
| 9.0 Recommendation..... | 63 |
| 10.0 Reasons and Considerations | 63 |
| 11.0 Conditions | 64 |

1.0 Site Location and Description

- 1.1. The site is a parcel of land located on the Tuam Road. The site is c. 2.4 km north east of Galway City Centre and has a stated site area of 0.101ha. The site is located on a heavily trafficked section of the Tuam Road c. 750m south west of the roundabout junction with the N6 and the N83 (Tuam Road formerly N17). A speed limit of 50 kph applies along this road.
- 1.2. The application site is residential in nature with a single storey style detached house with attached garage. The building has most recently being for health practitioner purposes with c. 7 designated car parking spaces identified to the front which is mainly hardstanding with a small area of landscaping. The site and finished floor level of the building is noticeably higher than the public road. To the rear of the building is a typical back garden with block walls. The site is bound to the public road be a low level stone wall and public path.
- 1.3. The buildings is located to the west of a high two storey guest house with irregular style roof profile and east of a single storey house similar in design to the subject building. To the rear of the site is a local street of detached two storey houses known as Glenail Drive.
- 1.4. There are existing bus stops located in close proximity to the application site. The site is located generally opposite the Mervue Business Park.

2.0 Proposed Development

- 2.1. The application comprises-
 - Demolition of existing building (191.11 sq.m)
 - Construction of a 4-storey, 12m high, apartment building incorporating 12 no. apartments-
 - 2 no. 1-bed units and
 - 10 no. 2-bed units,
 - 12 no. car parking spaces
- 2.2. On the 28/08/20 the Planning Authority sought Further Information (FI) including-

- Concerns raised over the height, scale, and massing of the development causing overlooking, overshadowing, overbearing of residential properties in the area
- Overdevelopment of the site
- Sunlighting to communal amenity space
- Separation distances between to between side gables
- Design and materials unsympathetic to existing urban fabric
- Visual impact of car parking, landscaping etc
- Investigate need to set back boundary for road improvements requirements, compliance with DMURS, requirement for a road safety audit, auto track for service vehicles, car parking standards
- Concerns of third parties

2.3. On the 22/12/20 the applicants submitted their Further Information (FI) response. The proposal is now for-

- Demolition of existing building
- Construction of a 4-storey, 12m high apartment building incorporating 11 no. apartments-
 - 3 no. 1-bed units and
 - 8 no. 2-bed units,
- 11 no. car parking spaces, 26 bicycle spaces
- Pedestrian access link to the Tuam Road.
- Set back from rear site boundary at 2nd and 3rd floors and now exceeds 11m
- Gable boundary separation of 1.8m

2.4. This was readvertised as significant further information on the 15/01/21, site notice dated 18/01/21.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 03/02/21 subject to 25 conditions generally of a standard nature and including-

- C2
 - Prior to the commencement of development, the following design revisions shall be incorporated into the proposed apartment development and revised scaled drawings showing the following revisions shall be submitted for the written agreement of the Planning Authority:
 - a. The third floor level (gross floor area 240.98m²) containing apartment no. 10 and apartment no. 11 shall be omitted in full.
 - b. The rear two-storey first floor section, which extends 3.165metres beyond the proposed stair core shall be omitted in full. The first floor section to be removed includes Apartment 4 bedroom no. 1, Apartment 4 bedroom no. 2, store and en-suite and Apartment 5 bedroom no. 1, Apartment 5 bedroom no. 2, store and en-suite. The remaining apartments on the first floor level shall be reconfigured to comply with Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (Dec 2020) spatial floor area requirements.
 - c. The proposed parking area shall be redesigned to omit proposed 3 car parking spaces at the southern front section of the site and the level of soft green landscaping increased in accordance with Section 11.3.1 (g) of the Galway City Council Development Plan 2017-2023.
 - d. Proposed landscaping plan shall be revised to omit proposed tree planting, Sorbus Acuparia Fastigiata (Mountain Ash/Rowan) along the northern rear boundary of the site. No tree planting shall occur along this site boundary.

- e. The kerbside bin collection point shall be redesigned to assimilate the feature into the southern section of the site. Waste collection shall not be carried out on the public roadway, and a revised proposal shall be submitted showing the removal of same.

Reason: To protect the residential and visual amenities of the area and proper planning and sustainable development of the area.

4.0 Planning Authority Reports

4.1. Planning Reports

4.1.1. The first planners report (dated 26/08/20) and its addendum report (dated 28/08/20) sought further information. The following is noted from the report-

- 41 third party submissions
- The site is zoned R, to provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods under the current City Development Plan 2017-2023 (CDP) and is located within Established Suburbs Neighbourhood area.
- Demolition of existing dwellings for higher density apartment development in the established suburbs will not be acceptable.
- The site is located on a main distributor road, where mixed uses occur. It is noted that apartment development have occurred further west from the site along this road. Therefore in principle the demolition of the existing dwelling for higher density apartment development is open for consideration subject to the protection of existing residential amenities and compliance with relevant development management standards, Ministerial Guidelines and the CDP.
- The plot ratio of the development is stated to 0.97:1. The proposed unit delivery per hectare is calculated to be 118.8 units per hectare. This is approx. 2.64 times over medium-high density residential threshold >45 units per ha.

- There may be scope for further examination of this site for a higher density development, however, local assessment remains a critical issue.
- The height, scale and massing of the development as proposed raises a number of concerns in particular in relation to overlooking, overshadowing, overbearing of residential properties located to the north/north east and rear of the site and of proposed communal open space area/public realm for the apartment development itself.
- The proposed design of the apartment building is contemporary with extensive glazing associated with balconies on the front façade. The proposed building reflects the front building line of adjoining property to the west but does not adhere to established rear building lines.
- The proposed development represents a significant intervention into the existing urban fabric and pattern of development and does not take cognisance of its context and surrounding residential amenities.
- It is noted that the communal open space is located to the north of the building, and in view of the height and scale of the apartment building, the proposed communal open space is lessened in terms of amenity value.
- A total of 145.4m² private amenity open space in the form of terraces and balconies is provided. The minimum floor area for private amenity space for each apartment complies with the guidelines.
- 11 metres is available from the rear building line to the rear/northern site boundary. However, this separation distance does not increase above first floor level as required by the CDP. The concerns expressed by third party submissions highlight that overlooking will be amplified by higher ground levels on site with ground levels falling, an estimated 1.50 metres', towards the rear.
- 12 car parking spaces area proposed for the development one of which is an accessible car parking space. Dimensions of the car parking spaces do not meet the requirement of the CDP.
- The submission of a Road Safety Audit would systematically examine the impact a of proposed development on the existing road network.

4.1.2. The second planners report (dated 09/02/21 and 11/02/21) reflects the decision of the Planning Authority. The following is noted from the report-

- A further 10 third party submissions
- The plot ratio of the development is stated to 0.96:1. The proposed unit delivery per hectare is calculated to be 108.91 units per hectare.
- The overall quality of a proposed development is key not only for existing residential community but also the proposed future residents of a infill residential development.
- The principle of a contemporary apartment development on these R zoned and serviced lands and located within this "Intermediate Urban Location" as defined under the Sustainable Urban Housing Design Standards for New Apartments Guidelines for planning Authorities (Dec 2020) is accepted.
- The revisions proposed in the applicant's response are largely welcomed. Substantial concerns remain in respect overshadowing, overbearing impact and that the development as currently proposed represents a major addition or redevelopment of the existing urban fabric.
- A number of design amendments are recommended through condition to render the proposed apartment development in compliance with the requirements and policies of Section 2.6 Neighbourhoods: Established Suburbs of the CDP for infill development.

4.2. **Other Technical Reports**

I have not been able to identify technical reports on the file before me but note the Planning Authority reports indicate the following-

- Environment Section (Waste Management) detailing no objection subject to condition
- Transportation Section- Conditions Recommend

4.3. **Prescribed Bodies**

- None identified on file before me

4.4. Third Party Observations

A large number of third party submissions were submitted including 10 further submissions on the submitted Further Information. Many of the issues raised are covered in the grounds of appeal and include the following-

- The height, bulk, mass, scale and design of the development
- Out of character with the existing area
- Traffic congestion, road safety and other transportation related issues
- Impacts on existing residential and visual amenities
- Contrary to the Development Plan
- Overdevelopment and excessive density

5.0 Planning History

This Site- 98/98- Retention of the existing use of the ground floor as a chiropractic clinic and for full permission for an extension to provide additional residential accommodation to the rear, Grant 09/06/1998

6.0 Policy Context

6.1. National Policy

6.1.1. National Planning Framework (NPF) - the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.

6.1.2. Section 1.3 page 14 sets out National Strategic Outcome including-

Compact Growth

Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with

investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

6.1.3. Page 22 dealing with Compact Growth states-

“Making better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.”

6.1.4. Page 43 deals with “Key future growth enablers for Galway” and states-

Identifying infill and regeneration opportunities to intensify housing and employment development throughout inner suburban areas

6.1.5. Section 4.5 deals with ‘Achieving Urban Infill/ Brownfield Development’ and states-

“The National Planning Framework targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city, to the smallest village.”

6.1.6. The section titled ‘Performance-Based Design Standards’ states-

“To enable brownfield development, planning policies and standards need to be flexible, focusing on design led and performance-based outcomes, rather than specifying absolute requirements in all cases. Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes. This is in recognition of the fact that many current urban planning standards were devised for application to greenfield development sites and cannot account for the evolved layers of complexity in existing built-up areas.”

6.1.7. Relevant National Policy Objectives include-

- *2a- A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.*

- *3a- Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements*
- *3b- Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints*
- *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.*
- *5- Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.*
- *11- In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- *13- 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

6.2. Regional Guidance

6.2.1. Northern and Western Region Spatial and Economic Strategy 2020-2032

- Section 3.6.3 states-

Galway 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 targets are that:

1. *The population of Galway MASP 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.*

2. *Deliver at least half (50%) of all new homes that are targeted within the MASP to be within the existing built-up footprint.*

- RPO 3.6.2

The Assembly supports the proposition that 50% of new homes for the population targets will be constructed within the existing city development envelope, 40% of these shall be located on infill and/or brownfield sites.

6.3. Ministerial Guidelines and Other Guidance

6.3.1. Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020); The following Sections and Specific Planning Policy Requirements (SPPR's) are relevant-

Section 1.19 states-

'...An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.'

Section 2.15 states-

In accordance with Section 28 of the Planning and Development Act 2000, as amended, planning authorities must apply the standards set out as planning policy requirements in these guidelines, notwithstanding the objectives and requirements of development plans, local area plans and SDZ planning schemes.

Section 2.4- 1) Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- *Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;*
- *Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.*

Section 2.4- 2) Intermediate Urban Locations

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

- *Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.*

Specific Planning Policy Requirement 1 states-

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as

studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

Specific Planning Policy Requirement 2 states-

‘For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;*
- Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential¹ unit to the 49th;.....*

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by case basis, having regard to the overall quality of a proposed development.

Specific Planning Policy Requirement 3 states-

Minimum Apartment Floor Areas:

- Studio apartments (1 person) 37 sq.m*
- 1-bedroom apartment (2 persons) 45 sq.m*
- 2-bedroom apartment (4 persons) 73 sq.m*
- 3-bedroom apartment (5 persons) 90 sq.m*

¹ i.e. the 10th and at least every second unit thereafter must comprise a two or more bedroom apartment. This means, for example, that a scheme of 30 units must have a minimum of 11 two or more bedroom units and may have up to 19 studio or one-bed units, of which no more than 9 may be studios.

Section 3.8 deals with Safeguarding Higher Standards and states-

In the interests of sustainable and good quality urban development these guidelines should be applied in a way that ensures delivery of apartments not built down to a minimum standard, but that reflect a good mix of apartment sizes. Accordingly, it is a requirement that:

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

Specific Planning Policy Requirement 4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in....*
- (ii) *....*
- (iii) *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.*

Specific Planning Policy Requirement 5-

- Ground level apartments floor to ceiling heights shall be a minimum 2.7m and shall be increased in certain circumstances.....

Specific Planning Policy Requirement 6-

- Maximum provision of 12 apartments per core

Section 4.10

The provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. The minimum required areas for public communal amenity space are set out in Appendix 1..

Section 4.18 Car Parking

4.21 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

4.22 As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.

Section 6.13

....planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents.

Appendix 1- Required Minimum Floor Areas and Standards

6.3.2. Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018);

Section 1.9 details –

“these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which

would include suburban areas, must be supported in principle at development plan and development management levels.”

Section 1.17 states-

Securing compact and sustainable urban growth means focusing on reusing previously developed ‘brownfield’ land, building up infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

Section 1.20 states-

A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.

Section 3.1 states-

‘In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.’

Section 3.6 states-

Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

The following Specific Planning Policy Requirements is relevant- SPPR 4-

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

6.3.3. The following are also considered relevant-

- Sustainable Residential Development in Urban Areas (2009);
 - *Section 4.20-adequate safeguards to avoid overdevelopment*
 - *Section 5.4- 5.7- Appropriate locations for increased densities*
- Quantitative methods for daylight assessment are detailed in the following documents:
 - BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ and;
 - BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting
 - BS EN 17037: 2018 Daylight in buildings

6.4. Galway City Development Plan 2017 - 2023

The site is located within the residential zoning (R) where it is an objective to

“provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”

Uses which are compatible with and contribute to the zoning objective- ‘Residential.

The land use zoning map shows the Tuam Road along the southern boundary of the application site is subject to a Specific Objective-

- Road Improvements

Section 2.4 ‘Neighbourhood Concept’ states-

“Table 2.1 and Fig. 11.34 sets out the framework of residential neighbourhoods in the city.”

- Table 2.1 identifies “Indicative Neighbourhood Areas in Galway” and details that the Tuam Road is located in North ‘Outer Suburbs’.
- Fig. 11.34 shows the site is located within a ‘Neighbourhood Area designated ‘Established Suburbs’.
- Policy 2.6 Established Suburbs includes-

Ensure a balance between the reasonable protection of the residential amenities and the character of the established suburbs and the need to provide for sustainable residential development.

Encourage additional community and local services and residential infill development in the established suburbs at appropriate locations.

Section 3.10 sets out a number of Specific Objectives for Traffic and Road Network including-

Chapter 11 deals with General Development Standards and Guidelines

- Section 11.3 sets out Residential Development Standards
- Section 11.3.1 deals with Outer Suburbs

- A plot ratio of 0.46:1 for new residential development shall not normally be exceeded.
- Residential developments of 10 units and over shall normally provide a mix in type of residential units.
- Communal recreation and amenity space is required at a rate of 15% of the gross site area.
- In all proposed residential development over ten units, a recreational facility shall be provided as part of the communal open space and funded by the developer
- Residential units shall not directly overlook private open space or land with development potential from above ground floor level by less than 11 metres minimum. In the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics
- All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights.
- The distance between side gables and side boundaries of dwellings shall normally be a minimum of 1.5 metres. Within all other residential developments, including apartment buildings, the distance between buildings shall be greater, to provide a good layout and context for the development.
- Section 11.3.2 deals with Established Suburbs and states “As per standards for Outer Suburbs except”-
 - higher densities may be appropriate when new residential development or commercial/community development has regard to the prevailing pattern, form and density of these areas.
 - Amenity Standards shall be as per Outer Suburbs except in certain circumstances where the established form and layout would deem a reduction in these standards appropriate, in the interests of sustainability and urban design

6.5. Natural Heritage Designations

6.5.1. The site is-

- c. 900m north of the Galway Bay Complex SAC (000268)
- c. 1.8km south west of the Lough Corrib SAC (000297)
- c. 900m north of the Inner Galway Bay SPA (004031).

6.5.2. The site is c.900m north of the Galway Bay Complex (000268) pNHA.

6.6. EIA Screening

6.6.1. An Environmental Impact Assessment Screening report has not been submitted with the application.

6.6.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

6.6.3. Following the submission of Further Information (FI) it was proposed to construct 11 residential units. The Planning Authority’s decision permits 9 units. The number of units proposed is well below the threshold of 500 dwelling units. The site is not located within a ‘business district’ but is within the ‘built up area’ as defined by the Regulations. In this regard the site has a stated area of 0.101ha and is well below the size threshold.

6.6.4. The development proposes connecting to the public water and drainage services of Irish Water. In this context I am satisfied that the proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the general area. It would not give rise to a risk of major accidents or risks to human health.

- 6.6.5. The site is not directly connected to a European Site. I note wastewater will be treated and discharged from the Public Sewer under the control of Irish Water and the EPA licensing regime. Further consideration of significant effects, if any on European Sites are set out in Section 8.8 of this report.
- 6.6.6. I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development is not necessary in this instance.

7.0 The Appeal

7.1. Grounds of Appeal

Four third party appeal has been received from-

- Peter Flannery of 20 Gleanail Drive (to rear of the application site)
- Desmond and Evelyn Conway of Gleanail, Tuam Road H91 A9YC (next door and to west of site)
- Margaret and Basil Wynne of 22 Gleanail Drive (to rear of the application site)
- Brendan McGrath and Associates Planning Consultants on behalf of the Residents of Riverside Estate & Tuam Road

The grounds of appeal include many of the matters raised in third party submissions to the Planning Authority and can be summarised as follows-

- The height, scale, massing and design of the proposed development would be visually dominant and incongruous. It will be significantly out of character with the existing area and suburban vernacular of the area.
- The proposed development will have a significant impact on existing residential amenity by way of overshadowing, overlooking, loss of privacy overbearing, noise from communal amenity spaces. There is a significant level difference between the site and properties to the rear ranging from c. 2.3-2.5m. There are deficiencies in the submitted shadow analysis.

- The proposed development will not provide adequate residential amenity for future residents by way of inadequate communal amenity space and the impacts of noise to private amenity space.
- The proposed development contravenes the City Development Plan as regards to established suburbs section 2.6. The proposal also contravenes the growth strategy of the Galway MASP.
- The proposed development is of an excessive density and would lead to overdevelopment of the site. The proposal is contrary to the Sustainable Residential Development in Urban Area Guidelines and the 2018/2020 Apartment Guidelines.
- There are a lack of community services in the immediate area. The Tuam Road has a good bus service but is not a bus route in the Galway Transport Plan. It should be considered an 'Employment Location' rather than 'Public Transport Corridor' as per the Apartment Guidelines.
- The Tuam Road is an unattractive housing environment, heavily trafficked with a history of accidents and is an unsuitable location for the style of development proposed. It would be set an undesirable piecemeal precedent for the area. The proposal will provide excessive traffic movements to and from the site and increased parking.
- GCC decision to grant permission subject to condition 2 removes opportunities for further public submissions on revised plans.
- There are concerns over surface management and maintenance of permeable paving.
- The proposed development has and will have personal impacts on residents in the area.

7.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows-

- Condition 2 is not appealed. The response to the appeal sets out to defend the schemas permitted by DCC and revised drawings are submitted.

- A mixture of uses has been established on the Tuam Road e.g. the site is currently a chiropractor clinic. The site is bounded by a commercial guest house and opposite the Mervue Business Park. A aerial phot identifying the mix of uses in the area is provided.
- Table 1 sets out how the proposed development complies with the National Planning Framework including NPO's 2a, 3a, 3b, 4, 6, 13, and 36.
- The site is located within the 'Galway Metropolitan Area' as per the RSES for the Northern and Western Regional Assembly. Section 3.6.3 is relevant and the proposal would contribute in a modest way to the targets and complies with RPO 3.6.2 the MASP.
- The site and a large part of the surrounding area on the Tuam Road is zoned residential.
- Principal of higher density apartments is established at 'Cor Boise' to the south west of the site (permitted by ABP 206300).
- The proposal is entirely consistent with the 2018 Apartment Guidelines. The site is located alongside an existing public transport node and within walking distance of a High frequency Cross City Bus Route along Connolly Avenue/ Tuam Road as designated in the GCDP. The Crown Square development is located east of the site is under construction and will act as a service hub for the area.
- The site can be categorised as an 'Intermediate Urban Location' as per the Apartment Guidelines where a minimum of 45 dwelling per ha is recommended. A plot ration pf 0.72 is proposed and appropriate for the area.
- The site is located on the Tuam Road where mixed uses have already been developed. The proposal is complaint with redevelopment policy of the CDP.
- The proposed building height complies with Urban Development and Building Height Guidelines 2018. The proposal is in the interest of consolidate development. Table 9 details compliance with relevant criteria for building height in suburban/edge locations.

- The appropriateness of the proposed 3 storey building is demonstrated in the submitted drawings and submitted CGI's.
- The submitted shadow analysis demonstrates the original 4 storey building would not adversely affect neighbouring properties.
- A shadow analysis accompanies the appeal and demonstrates the impact of the revised 3 storey scheme. The proposed development will not result in any greater level of overshadowing compared to existing
- The update shadow analysis demonstrates the usability of the proposed communal amenity space would not be unduly affected. Terryland Forest Park is an important public amenity and is in a convenient walking distance of the site.
- The proposal has been reduced by one floor and stepped back at first floor reducing overbearing. It is in scale with the adjoining guesthouse.
- The proposed first and second floors rear windows will be located a minimum of 14.46m from the edge of rear gardens to the north. The separation distance to existing windows will exceed 22m.
- Proposed private amenity spaces will be set back 10m from the Tuam Road and will have a southern aspect.
- The proposal maintains established building lines on the Tuam Road and the principle of residential development is established. Measures are included to protect against perceived noise along the Tuam Road including, communal open space to the rear, majority of bedrooms to the rear and surface parking to the front. The appeal submission also proposes noise mitigation i.e. triple glazing along the front of the apartment building.
- The communal amenity space is 155.8 sq.m, is in the optimum location and is keeping with the pattern of development in the area. The space is a sufficient distance from the existing houses to the rear and would not generate undue noise.
- Access to the Tuam Road is existing and a characteristic of properties at this location. The existing use is as a Chiropractor with use of the entrance

throughout the day on an hourly basis. The proposal results in a modest increase of parking on site from 6 to 8.

- The applicants have no objection to a condition for no tree planting along the rear boundary as per condition 2(d). This is not appealed.
- The site is located 2.1 km from the city core ACA. The proposal will provide a high quality design intervention at this location and will contribute positively to the urban design of the area.
- All existing properties on this stretch of the Tuam Road are serviced by a frequent roadside collection service. As such the provisions of condition 2 (e) as suggested by the Planning Authority are not required in this case.

7.3. Planning Authority Response

The planning authority's response to the grounds of appeal can be summarised as follows-

- The submission states it is a response to the "first party appeal" and follows the numerical sequence outlined under section 4 entitled *Grounds of Appeal* of the first party appeal document².
- All main routes into the city can be described as heavily trafficked roads particularly in AM and PM peaks. It is anticipated through the implementation of the Galway Transport Strategy (GTS) and required supporting projects that the experience of the exiting road network will alter with less traffic and the ability to accommodate sustainable transport modes. This part of the Tuam Road is part of the feeder cycle network for the city.
- The Tuam Road is served by public transport. The site is within 10mins walking of the cross city route. Local buses may be required to maximise the overall bus network and to provide connectivity to areas that lie outside the principle bus network. In view of the feeder cycle route classification of the western section of the Tuam Road it can be inferred that it will exhibit a future multi-modal function with local bus service.

² This appears to be the third party appeal by Brendan McGrath and Associates Planning Consultants on behalf of the Residents of Riverside Estate & Tuam Road

- The CDP was varied on the 19/10/20 to align with the overarching planning policy of the MASP and RSES. The current R zoning was not amended. The current site would be classified as an infill site.
- Under the R zoning different types sizes and forms of residential units are open for consideration including apartments.
- A mix of house types and tenures can create neighbourhoods for people of different ages and lifestyles and allows for more sustainable use of community services and social inclusion. Policy H2.2 supports a diverse range of housing types and sizes. A mix complies with SRDUA 2009 Guidelines and the Apartment Guidelines 2020. This is also supported by the MASP.

7.4. Observations

One observation received from-

- Gerard and Carmel McLoughlin (Neighbouring property to east)

The issues raised by observers are covered in the grounds of appeal/ can be summarised as follows:

- Reference is made to a previous submission to ABP (Invalid appeal)
- Overlooking and invasion of privacy of neighbouring house to west from 6 windows
- ABP only permitted a two storey structure when the Guesthouse was built.
- When did Galway do a pre-covid traffic survey of the road and junction with the industrial estate across from the site.
- The volume of noise from the large amount of apartments and car parking will be excessive. There will be terrible impacts on guest of the guesthouse due to noise pollution.
- No objection to a family type home being built.

7.5. Further Responses

Further Submissions have been received from the appellants. These submissions generally repeat matters raised in the appeals. The following detail can also be summarised-

- the context of the 'Cor Boise' Apartments and proposed site is different and non comparable. It and the adjoining Applegreen Filling Station have the same roof level as the houses at the back and do not cause a problem with privacy, overshadowing, overbearance or building height and do not impact the visual integrity of the streetscape or surrounding areas.
- Cor Boise is an atypical development on the road. In comparison the proposal is too dense, private amenity inadequate, too proximate to the Tuam Road and will have adverse impacts on neighbouring property.
- A High Frequency Cross City Bus Route is not implemented.
- Other developments in the area are built on industrial sites not residential sites and have no bearing on the proposed development.
- The proposal seeks to maximise profits with no regard to existing residential amenities.
- There is no disagreement with the summary of the national planning context except commentary on NPO 4. It is not believed the proposal constitutes an 'attractive, liveable, well designed' place.
- The Galway MASP is distinctively prescriptive in the degree it allocates different categories and scales of development to different areas of the city. It is not believed the current policy framework offers a rationale for development within the built-up area that is markedly different to the established pattern as proposed. The site is neither in nor an area selected for residential development in the MASP.
- The Terryland Forest Park is not conveniently accessible to the site and is not an adequate substitute for on-site open space provision.

- The submitted CGI do not provide an adequate impression of the visual impact on houses to the rear. The site has a negligible impact at present. Existing photographs are submitted to demonstrate same.
- In relation to separation distances a distinction should be made between housing estate standards and what would be appropriate to safeguard established residential amenity.
- Triple glazed windows only propose partial mitigation against noise and none to private amenity space.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. I have examined the application details and all other documentation on file, including the submissions, observations and further responses received in relation to the appeal. I have inspected the site and have had regard to relevant local/regional/national policies and in particular Ministerial Guidelines setting Specific Planning Policy Requirements (SPPR).
- 8.1.2. I consider the substantive issues that arise from the grounds of appeal relate to the following matters-
- The Development to be Considered
 - Zoning and Principle of the Development
 - Building Height, Design and Visual Impact
 - Apartment Standards
 - Overdevelopment and Density
 - Residential Amenity
 - Transport Related Issues
 - Appropriate Assessment

8.2. The Development to be Considered

- 8.2.1. The applicants submitted a response to Further Information (FI) which amended the original proposal. Condition no. 2 of the planning authority's decision required further changes to the FI proposal including the omission of the third floor and other building elements, omission of car parking spaces, revisions to landscaping and proposals for waste collection. The main impact of these change reduce the height, bulk and massing of the development as well as providing for nine apartments. In this regard I consider these changes are not significant and would not require new public consultations.
- 8.2.2. The applicants have made it very clear in their response to the third party appeals that they accept this condition and have submitted revised drawings to address same. The applicants did not avail of their entitlement to appeal the condition. It would therefore not be reasonable to reconsider the elements of the proposed development that were omitted by the condition.
- 8.2.3. The assessment in this report will address the development to which the decision of the planning authority refers, i.e. without the elements of the original proposal that were omitted by condition 2. In this regard it is the drawings submitted by the applicants in response to the appeal dated 06/04/21 that will be considered and I note the appellants and observer have been given and have taken the opportunity to make submissions on these.

8.3. Planning Context, Zoning and Principle of the Development

- 8.3.1. It is argued by the Appellants that the proposed development contravenes the growth strategy of the Galway MASP and provisions of the City Development Plan as regards to 'established suburbs' as set out in section 2.6.
- 8.3.2. The applicants argue that the proposed development complies with policy at all levels from National, Regional and to Local. In this regard reference is made to the NPF, the Northern and Western RSES 2020-2032 in which the Galway Metropolitan Area in the MASP (Metropolitan Area Strategic Plan) is identified and the City Development Plan (CDP).

- 8.3.3. In their response to the appeal, I note the Planning Authority has detailed that the CDP was varied on the 19/10/20 to align with the overarching planning policy of the MASP and RSES, The current 'R' zoning was not amended and the site would be classified as an infill site.
- 8.3.4. I having considered the provisions of the National Planning Framework (NPF) and relevant considerations as identified in section 6.1 above. The proposed development is entirely consistent with these provisions and in particular will achieve compact growth through brownfield and infill development.
- 8.3.5. I having considered the provisions of the RSES as identified in section 6.2 above. Regional Planning Objective 3.6.2 details that 50% of new homes for the population targets will be constructed within the existing city development envelope, 40% of these shall be located on infill and/or brownfield sites. It is considered that the proposed development is consistent with same. I do not agree that the proposal contravenes the growth strategy of the Galway MASP as suggested by an appellant.
- 8.3.6. The site is located within the residential zoning (R) as set out in the Galway City Development Plan where it is an objective to-

“provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”

Uses which are compatible with and contribute to the zoning objective include 'Residential'. Accordingly, I am satisfied the provision of an apartment development on the site accords with the land-use zoning as set out in the Development Plan.

- 8.3.7. Fig. 11.34 of the CDP shows the site is located within a 'Neighbourhood Area' designated 'Established Suburbs'. Section 2.6 of the plan deals with Established Suburbs and details-

Demolition of existing dwellings for higher density apartment development in the established suburbs will not be acceptable. Exceptions to this policy will only be considered on recently zoned residential lands, undeveloped lands where no pattern of development has been established, or on main distributor roads where mixed uses have already been developed, or where the existing

form of development is not predominantly conventional housing and where the development will not reduce the existing residential amenity.

- 8.3.8. I note the site is located on the Tuam Road which the Planning Authority have considered a main distributor road. I agree with this view and note a number of mixed uses have already been developed on the road e.g. residential (single housing and apartments), chiropractor, guest house, service station etc. I am satisfied that it is appropriate to consider the proposed development under section 2.6 of the CDP. Consideration of the relevant elements of Policy 2.6 such as providing infill development while ensuring a balance between residential amenities and the character of the established suburbs will be considered in the relevant sections of this assessment below.
- 8.3.9. I am satisfied the development as proposed generally complies with the provisions of national, regional and local planning policy including the site specific zoning requirements.

8.4. Building Height, Design and Visual Impact

- 8.4.1. The Planning Authority's decision to grant permission subject to Condition 2 sought to protect the residential and visual amenities of the area. In so doing they significantly reduced the height, bulk and massing of the development.
- 8.4.2. Notwithstanding this, the Appellant's generally consider that the height, scale, massing and design of the proposed development would still be visually dominant, incongruous and significantly out of character with the existing area and suburban vernacular of the area. I note an appellant describes the Tuam Road as an unattractive housing environment which is an unsuitable location for the style of development proposed.
- 8.4.3. The Applicants challenge this highlighting the extensive R zoned lands along the Tuam Road and residential nature of the immediate area. They argue the proposal fully complies with the 'Urban Development and Building Heights Guidelines for Planning Authorities (2018) and is an appropriate design intervention at this location.
- 8.4.4. I have considered the Building Heights Guidelines. Section 1.21 of these guidelines detail that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, through

enhancing both the scale and density of development. Section 2.3 details that building-up urban infill sites is required to meet the needs of a growing population and making optimal use of the capacity of sites in urban locations.

8.4.5. Section 3.1 of these Guidelines states-

'it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility'.

This section also details that Planning Authorities must apply broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas. These principles can be summarised as-

- Does the proposal positively assist in securing NPF objectives of focusing development in key urban centres e.g. brownfield, infill development and compact growth in our urban centres?
- Where the Development Plan pre-dates these guidelines, can it be demonstrated that implementation of the policies and objectives do not align with the NPF?

8.4.6. I am satisfied that the development as proposed will provide appropriate redevelopment of an underutilised brownfield, infill site that will contribute to compact growth of Galway City and aligns with the policies and objectives of local, regional and national policy documents as set out in section 8.3.

8.4.7. Section 2.6 of the Galway CDP identifies the site as within an Established Suburb. In relation to building height in suburban locations section 3.6 of the Building Height Guidelines detail that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing neighbourhoods.

8.4.8. The development under consideration in this appeal is the one as submitted by the applicants on the 06/04/21 in response to Condition 2 of the Planning Authority's decision to grant permission. The revised proposal is 9.3m high which is not considered excessively high, especially in an urban area. Furthermore it will not be higher than the adjoining property to the east as shown on submitted drawing 3002.

In this context, the proposed height is considered to integrate well into its surroundings.

8.4.9. SPPR 4 of the Building Height Guidelines details requirements planning authorities must secure for development of edge of city/town locations for housing purposes.

These are-

- minimum densities in accordance with Sustainable Residential Development in Urban Areas (2007)³ Guidelines,
- a greater mix of building heights and typologies in planning for the future development of suburban locations
- avoid mono-type building typologies (e.g. two storey or own-door houses only)

Density considerations are addressed in section 8.6 below. I am satisfied the proposed development complies with SPPR 4.

8.4.10. The proposed development is c.9.3m high and c. 17m wide. It generally maintains the existing front building line of property in the area and the above ground floor levels slightly protrudes behind the rear building line of the property to the east (c. 1m). I consider the height, scale, bulk and massing of the proposal to be similar to that of the property to the east and therefore not out of character with the area. The proposal is set back in excess of 1.5m from site boundaries and provides a relatively modest and contemporary style apartment building design. In my opinion its design will makes an interesting and positive contribution to the immediate streetscape and urban neighbourhood. It will not have a negative visual impact on the area.

8.5. **Apartment Standards**

8.5.1. **Introduction**

- a. Condition 2 of the Planning Authority decision to grant permission required amendments to the development reducing the overall number of apartments. The conditions require the remaining apartments on the first floor level to be reconfigured to comply with Sustainable Urban Housing Design Standards for

³ It is assumed these are the 2009 guidelines

New Apartments Guidelines for Planning Authorities (Dec 2020) spatial floor area requirements.

- b. In response to the appeal the applicants have submitted revised drawings to address condition 2 and it is these drawings that will form the basis of this assessment.
- c. The proposal is considered to be an 'Urban Infill Scheme' on a site of 0.101ha.
- d. Section 2.4 of the Apartment Guidelines identifies the type and location in cities that may facilitate apartment development. It provides three broad category areas and criteria for each The Planning Authority have detailed the site could be considered an 'Intermediate Urban Location'. While I agree with the Planning Authority's position I also consider the site could fall under the 'Central and/or Accessible Urban Location' category given its proximity to the Mervue Business Park which is a significant employment location.
- e. It is considered appropriate to assess the proposed development against the following Specific Planning Policy Requirements- SPPR 1, 2, 3, 4, 5, and 6.

8.5.2. SPPR 1 and 2

- a. The drawings submitted by the applicants to address Condition 2 (dated 06/04/21) propose-
 - o 9 two bedroom apartments.
 - o 5 one bed and
 - o 4 two beds

Having regard to the provisions of SPPR 1 and 2 in relation to Housing Mix I am satisfied the proposed provision is acceptable.

8.5.3. SPPR 3

- a) SPPR 3 sets out minimum requirements for apartment floor areas and in particular requires 45 sq.m for 1-bedroom apartment (2 persons) and 73 sq.m for 2-bedroom apartment (4 persons) 73 sq.m.
- b) The application proposes-

- One beds of 48.3 sq.m and 50.4 sq.m and
- Two beds ranging from 75.4 sq.m to 80.4 sq.m

I am satisfied the proposed provision of floorspace to all apartments complies with SPPR 3.

8.5.4. **Section 3.8 Safeguarding Higher Standards**

- a) Section 3.8 of the Guidelines is titled 'Safeguarding Higher Standards' and seeks to ensure delivery of apartments that are not built down to a minimum standard, but that reflect a good mix of apartment sizes.
- b) It is a stated requirement of the Guidelines that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1 or 2-bedroom unit types, by a minimum of 10%.
- c) The development proposes-
 - 9 apartments and therefore section 3.8 is not applicable. However, it is worth noting that-
 - All apartments exceed the minimum requirements
 - 4 of the proposed one bedroom apartments exceed the required floor area of 45 sq.m by more than 10%
 - 2 of the proposed two bedroom apartments exceed the required floor area of 73 sq.m by more than 10%

8.5.5. **SPPR 4**

- a) This SPPR requires a minimum of 33% of dual aspect units in 'Central and Accessible' urban locations or 50% dual aspect in 'Suburban or Intermediate locations'.
- b) The proposed development will provide dual aspects to 6 of the 9 apartments or 66%.
- c) I am satisfied the proposed development complies with SPPR 4.

8.5.6. SPPR 5

- a) This SPPR requires ground level apartments to have floor to ceiling heights of a minimum of 2.7m.
- b) The section drawings shows ground floor to ceiling heights of 2.7m.
- c) I am satisfied the proposed development complies with SPPR 5.

8.5.7. SPPR 6

- a) This SPPR requires a maximum of 12 apartments per floor per core may be provided in apartment schemes.
- b) The proposed development provides for two upper floors with one core and a maximum 3 apartments across a floor.
- c) I am satisfied the proposed development complies with SPPR 6.

8.5.8. Other Requirements

The apartment guidelines sets out a number of other requirements. The following are considered most pertinent-

- Appendix 1 details requirements in relation to '*Required Minimum Floor Areas and Standards*' for living/dining/kitchen areas, bedrooms, storage. The proposed development generally meets most these requirements.
- Appendix 1 details a requirement of 5 sq.m and 7 sq.m of private amenity space for one and two bed apartments. I note the private amenity space to Apartment 1 and 2 falls fractionally below the required 7 sq.m at 6.98 sq.m and 6.9 sq.m respectively. Section 3.39 of the guidelines state that urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. I note the floor area for both these apartments exceed the minimum requirements and the shortfall is negligible. I am satisfied this requirement can be relaxed.

- Appendix 1 details a requirement of 5 sq.m and 7 sq.m of communal amenity space for one and two bed apartments. There is therefore a total requirement of 53 sq.m of communal amenity space. The application proposes 155.83 sq.m in the form of a landscaped communal area to the rear. The proposal meets this requirement.
- Section 6.13 of the Guidelines details that such proposals shall include a building lifecycle report. This is to include an assessment of the long term running and maintenance costs of the development and would clearly be for the benefit of future apartment owners and residents. This does not appear to have been submitted. I am satisfied this requirement can be addressed by condition.

8.6. Overdevelopment and Density

- 8.6.1. A number of appellants and observers have raised concerns in relation to the excessive density of the site and overdevelopment with references to plot ratio and site coverage. The Planning Authority have not raised any concerns in this regard.

Overdevelopment

- 8.6.2. Section 4.20 of the 2009 Sustainable Residential Development in Urban Areas Guidelines (SRDUA) details some recommended standards to ensure that there are adequate safeguards in place to avoid overdevelopment and to assist in the assessment of planning applications.
- 8.6.3. As set out in section 8.3 above the lands are zoned R for Residential. In terms of overdevelopment on such lands the SRDUA guidelines recommend on large infill sites or brown field sites that public open space should generally be provided at a minimum rate of 10% of the total site area. The application is for an apartment development where public open space is not required as per the 2020 Apartment Guidelines. The application does proposes 155.83 sq.m of communal amenity space which is considered far in excess of the requirements of the Apartment Guidelines and equates to 15.4 % of the total site area.
- 8.6.4. Section 8.5 of this assessment also demonstrates that the proposed development generally complies with all requirements of the 2020 Apartment Guidelines.

- 8.6.5. Section 11.3.1 and 11.3.2 of the Galway CDP details 'Plot Ratio'. It states a plot ratio of 0.46:1 for new residential development shall not normally be exceeded. The application proposes a ratio of 0.72. The CDP does not provide a standard for site coverage on residentially zoned lands.
- 8.6.6. I note the proposed development exceeds the CDP Plot Ratio requirement for new residential development. However, in this context, and having regard to the provisions of the NPF and RSES identified in section 6 of this report, the proposed development is considered an infill brownfield development rather than 'new' development. Furthermore the application complies with the Apartment Guidelines and the measures identified in SRDUA Guidelines to ensure that there are adequate safeguards in place to avoid overdevelopment. I am satisfied that the development as proposed does not represent overdevelopment of the site.

Density

- 8.6.7. National Policy Objective 35 of the National Planning Framework promotes increasing residential density in areas such as the subject site, through a range of measures including increased building heights. Section 2.6 of the GCC Development Plan provides for higher density apartment development in the established suburbs on main distributor roads where mixed uses have already been developed where the development will not reduce the existing residential amenity.
- 8.6.8. As detailed in section 8.5 above, the site can be described as both a 'Central and/or Accessible Urban Location' or as an 'Intermediate Urban Locations' under the 2020 Apartment Guidelines. These categories details that such locations are generally suitable for smaller scale higher density developments with the latter stating >45 dwellings per ha. These categories include sites within walking of significant employment locations such as Mervue Business Park and sites within easy walking distance of high frequency urban bus services. There are existing bus services located almost to the front of the site and the site is located in very close proximity to the route of the Cross City Bus route on Connolly Avenue. The sites location proximate to existing and proposed public services is clearly evident and accordingly is suitable for higher density residential development.
- 8.6.9. The SRDUA 2009 guidelines encourage more sustainable development through the promotion of higher densities in appropriate locations. Section 5.4 details

'Appropriate Location for Increased Densities' and paragraph (a) section 5.5 deals specifically with 'Cities and Town Centres' and discussed how the increase of population within city or town centres with their range of uses can help to curtail travel demand. These locations have the greatest potential for the creation of sustainable patterns of development. Increasing populations in these locations can also assist in regeneration, make more intensive use of existing infrastructure, support local services and employment, encourage affordable housing provision and sustain alternative modes of travel such as walking, cycling and public transport.

8.6.10. Section 5.6 outlines how in order to maximise inner city and town centre population growth, there should, in principle, be no upper limit on the number of dwellings that may be provided within any town or city centre sites.

8.6.11. Section 5.7 deals with Brownfield Sites and describes these as any land which has been subject to building. It generally describes such sites including obsolete housing areas. It does not exclude sites such as the proposed and accordingly I am satisfied the site can be considered brownfield. The guidelines detail that such sites in close proximity to future public transport corridors should be re-developed to higher densities subject to safeguards.

8.6.12. The applicants propose 9 units on a site of 0.101 ha at a density of 89 units per ha. This is considered acceptable.

Conclusion

8.6.13. Having regard to the NPF, the 2020 Apartment & 2009 SRDUA Guidelines, the Galway City Council Development Plan, the nature of the proposed development, the proposed density and the site's proximity to existing and proposed public transport, I consider the proposed development is an acceptable density for the site and the development does not represent overdevelopment of the site.

8.7. Residential Amenity

8.7.1. A number of residential amenity related concerns have been raised by the appellants and observers. These can be summarised as follows-

- Overlooking
- Overbearing

- Overshadowing/loss of daylight/loss of Sunlight
- Average Daylight Factor
- Other Matters
 - Noise and general disturbance during the construction stage,
 - Loss of views and
 - Potential for antisocial behaviour.

I propose to look at each of these in turn.

8.7.2. **Overlooking**

- a) Significant concerns have been raised in relation to overlooking of existing property in the area.
- b) The applicants have submitted revised proposal to address condition 2 of the Planning Authority's decision to grant permission. These drawings show the ground floor set back, 11.3m from the rear site boundary. The first and second floors are to be set back further at 14.465m from the rear of the site. Windows to the upper floor rear elevations will serve bedrooms and circulation space. The proposed above ground floor rear building line is shown as c. 28.95m from the rear building line of the existing first floor rear building line of houses to the rear of the site. The proposed development provides an acceptable separation distance to these properties to protect from undue overlooking.
- c) The application proposes 4 windows and 2 balconies above ground floor and to the side gables of the building. The floor plans show these windows serving a living/dining areas and bathrooms. The living/dining areas are towards the front of the building and the windows face over the side gables of adjoining properties and not into private amenity spaces. The bathrooms will have obscure glazing in any event. The balconies are located to the front of the property and will not overlook private areas.
- d) Having considered the urban nature of the site, the orientation of proposed upper floor windows and their set back from rear site boundaries and nearby properties, I am satisfied the proposed development would not lead to undue overlooking and loss of privacy to existing properties in the area.

8.7.3. Overbearing

- a. Appellants consider the height, bulk and massing of the proposed development will overbear property in the area. The proposed development will be visible from the private amenity spaces of a number of neighbouring properties.
- b. The development as submitted on the 06/04/21 to address Condition 2 of the Planning Authority's decision to grant will be setback 11.3m from its rear boundary with upper levels set back 14.51m. The building will be set back 1.81m from side boundaries and in excess of 3m to existing buildings to the side. It maintains the front building line along the Tuam Road. Its upper floor rear building line slightly protrudes past the existing property to the north.
- c. I do not consider the proposed development to be is not visually incongruous or dominant. It will not have an unduly overbearing effect on existing properties in the area.

8.7.4. Daylight and Sunlight Impacts

- a. The residential amenity impacts in this regard relate to Overshadowing and loss of Daylight and Sunlight. These impacts will be considered in the context of existing properties in the area as well as the future amenity of occupants to the proposed development.
- b. The applicants have not submitted 'Daylight Analysis and Sunlight Assessment' Report with the Application to date or in their response to the appeal which has revised the proposal in accordance with condition of GCC decision to grant permission, They have submitted a shadow analysis of the existing site and the proposed scheme. This analysis was prepared using "Building Information Modelling Software".
- c. Section 11.3.1 (e) and 11.3.2 of the Galway City Development Plan deal with Daylight to Established Suburbs. It is stated that-

"All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights."

- d. Section 3.2 of the Urban Development and Building Height Guidelines (2018) in discussing the scale of the site/building, detail that proposed developments should be designed to minimise overshadowing and loss of light. They also detail that ‘appropriate and reasonable regard’ should be taken of quantitative performance approaches to daylight provision outlined in guides like BRE 209 and ‘BS 8206-2: 2008.
- e. The Guidelines also outline considerations should a proposal not fully meet all the requirements of the ‘daylight provisions’ listed above. They ‘must’ be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. An Board Pleanala may apply discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- f. Section 6.6 of the 2020 Apartments Guidelines also detail regard should be had to ‘daylight provision’ outlined in BRE 209 or BS 8206: 2008.
- g. I note that BS-8206 2008 was replaced by BS EN 17039:2018 Daylight in Buildings. I am satisfied this replacement document does not have a material bearing on the outcome of this assessment.
- h. While the criteria under 3.2 of the Building Height Guidelines 2018 refer to ‘quantitative performance approaches to daylight provision’, it is also clear that ‘appropriate and reasonable regard’ is required, rather than an insistence that proposed developments adhere to the ‘approaches’. It is important to note that section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy.
- i. BRE209 provides a number of measures that contribute to assessing Daylight and Sunlight impacts. Having examined the contents of this application, the appeal and BRE209, I consider the following measures appropriate for the consideration of this application-
 - Light from the Sky for New Development
 - Average Daylight Factor

- Diffuse Daylight to the rear neighbouring properties
- Sunlight to Proposed Private Amenity Spaces
- Sunlight to Amenity Spaces of Existing Neighbouring Property
- Sunlight to Interior of Existing Property

8.7.4.1. Light from the Sky for New Development

- a) Section 2.1.6 of BRE209 identifies the type and size of window design required to new developments depending on the 'Visible Sky Angle'. This metric considers the angle of visible sky from the centre of the window relative to opposing obstructions to determine the size of windows required e.g.-
- if the angle is greater than 65 degrees conventional window design will usually give reasonable results
 - if the angle is less than 25 degrees BRE209 suggests it is often impossible to achieve reasonable daylight to a room
- b) It is therefore necessary to consider if there are any obstructions to proposed windows. As per Figure 1 of BRE this is taken from the centre point of the windows. It is appropriate to consider ground level windows as these are the most likely to be affected.
- c) Noting the existing levels of the site it is considered there are no significant obstruction to the front or rear elevations of the proposed development that would impact the angle of visible sky. The windows to the front elevation are south facing and with significant provision of floor to ceiling glazing.
- d) However, overhanging balconies and roofs are located to the front elevation of all apartments thereby providing a level of daylight obstruction that could impact deeper into the room. Section C13 of Appendix C of BRE209 deals with room depth and details if a room is daylight by windows in one wall only, the depth of the room should not exceed a calculable limiting value. 6 of the proposed apartments benefit from windows in more than one wall. Windows on the side elevations of the ground floor apartments are set back c. 3-4m from obstruction of adjoining properties. The upper floors are less affected by

obstructions. These windows will increase daylight provision and mitigate the impact of room depth.

- e) The 3 other apartments (No 3, 6 and 9) have open plan proposed living/dining rooms with recessed kitchens. The combined depths allowing for overhanging roofs range from c 8.5m to c 10m. I note section 2.1.14 of BRE details that non daylit internal kitchens should be avoided wherever possible. These kitchens will benefit from some daylight. Notwithstanding the open plan nature of these apartments where some daylight will be received, there is some concern the rear half of these rooms and especially the kitchen areas may appear gloomy and supplementary lighting maybe required as per section C14 of BRE209.

8.7.4.2. **Average Daylight Factor**

- a) The Average Daylight Factor (ADF) relates to the quality of light proposed houses receive. Appendix C of the BRE209 Guidelines sets out 'Interior Daylighting Recommendations' and details minimum standards of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms in proposed developments. Section 1.3 of BRE209 details that it is intended to be used in conjunction with BS 8206-2 which has now been superseded by BS EN 17037: 2018 'Daylight in buildings' (I am satisfied this replacement document does not have a material bearing on the outcome of this assessment).
- b) BRE209 therefore, provides that where rooms are used for combined purposes e.g. kitchen and living rooms, the appropriate standard is the ADF that is highest for any of the uses. Thus, insofar as kitchens are combined with living rooms the appropriate ADF standard would be 2%. In this application I note a combined kitchen/dining areas are proposed and I consider a 2% value to be appropriate.
- c) As identified in section 8.7.3.1 there are some concerns relating to the room depths of three apartments that are single aspect. These are apartments 3, 6 and 9 and it is important to note that the ADF to ground level apartments are generally more affected than upper floors.

- d) The quantum and quality of daylight accessing these rooms is considered relevant and the measure of this is the Average Daylight Factor as per BRE209. Section C5 of Appendix C details how ADF is to be calculated. Based on the information submitted with the application I cannot accurately determine the ADF. I note a number of predetermined values are provided, however, other values would require estimates e.g. net glazed areas of windows, area of room surfaces, corrections for window reveals etc.
- e) I note the ADF requirements for bedrooms is significantly lower at 1% than other rooms. In this regard noting the orientation of bedrooms, the room depths, extent of glazing and the lack of significant obstructions I have no significant concerns in relation to daylighting.
- f) Having regard to the above I am concerned the open plan living, dining kitchen rooms of Apartment 3, 6 and 9 will not benefit from adequate interior daylighting as per the requirements of BRE209.

8.7.4.3. Diffuse Daylight to the rear neighbouring properties

- a. BRE 209 details that obstructions such as the proposed development can limit access to light from the sky to existing properties such as houses. Figure 14 of BRE 209 details how to identify existing properties for assessment. Figure 20 provides a 'Decision Chart' or flow chart for considering diffuse daylight in existing buildings and the impact of proposed developments.
- b. The relevant existing properties for consideration are those to the rear of the application site i.e. No's 20, 22 and 24 Glenail. I note the orientation of the rear of No 20 and when a section is drawn in plane perpendicular from the rear elevation as per Fig 14 of BRE it will not meet the new development. In this regard I am satisfied that no 20 will not be significantly affected by a loss of daylight as per BRE209. A section in plane from the rear of No 22 and 24 will encounter the proposed development as shown in Fig 14.
- c. Section drawing 3005 submitted on the 06/04/21 shows a distance of 28.95m from the parapet of the proposed development to the first floor rear of No. 22. (As the lift over run to the proposed development is a minor intrusion I will not consider this height as the basis for assessment). There is a single storey

annex to the rear of No. 22 and this is the closest point to the new development. It is considered appropriate to use this as the basis for assessment as it is likely to have the lowest and closest window as per Fig 14 and is therefore at most at risk of loss of daylight. I calculate this to be c. 25m from the new development (i.e. the main roof height).

- d. Before proceeding to Figure 20 of BRE it is necessary to consider the level difference between the site and No. 22 Glenail. Drawing 3005 identifies a level difference between the sites of 1.73m. I note appellants claim a difference ranging from 2m to 2.3 but have not submitted evidence of this. Figure 14, Section 2.2.6 and Figure F2 of BRE209 suggest drawing a section from the centre point of the window or from a height of 1.6m. In this regard the height of the centre point of the window to the rear of No 22 is estimated to be 1.73m minus 1.6m given 0.13m. This will then be added to the height of the proposed development (c. 9.3m) for the purpose of this assessment i.e. 9.43m.
- e. The first measure recommended in Figure 20 is if the new development is more than three times its height above the lowest window. The proposed building has a height above the estimated centre point of the window of No. 22 of c.9.43m. The distance of the proposed development from the rear window of No. 22 is c. 25m is not more than three times its height above that window i.e. 25m is not more than 9.43 by 3.
- f. The next recommended measure of Figure 20 requires a check if the development subtends more than 25 degrees at the lowest window as demonstrated in Figure 14 of BRE 209. To assess this, Figure 20 requires the angle from the centre of the window to the height of the proposed development to be calculated. This can be done using trigonometry (where I know the rear height of the development - 9.3m and the separation distance to the window- c. 25m). I do not know what the height of the centre of the window is. BRE209 recommends a height of 1.6m for a floor to ceiling window or patio door. In the absence of specific detail on this window I consider this to be a reasonable figure to use to calculate the angle. Allowing for the level difference of 1.73m this is 0.13m which will be added to the building height for east of calculation i.e. 9.43m. I estimate the angle to be c. 20.67 degrees. The

development therefore would not subtend by more than 25 degrees at the lower window of the rear elevation of No. 22 Glenail. I estimate that the proposed height would need to be c. 10.4m in order to subtend by more than 25 degrees and this would be more than the range of level difference suggested by the Appellants..

- g. Based on this and the Figure 20 Decision Chart of BRE209 daylighting to the rear of No. 22 would be unlikely to be significantly affected by the proposed development and further investigation is not required.
- h. However, given the level differences between the site and some reliance on estimates, it is appropriate to consider the Figure 20 Decision Chart further. The next recommended measure is the level of skylight received to existing buildings. This is called the Vertical Sky Component or VSC. BRE209 recommends that existing neighbouring properties should retain a VSC of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will not be needed more of the time.
- i. VSC values are clearly dependent on the angle from the centre of the window to the height of the proposed development. For the rear lowest window of No. 22 I have calculated this to be c. 20.7 degrees. Having considered table F1, Figures F1 & F2 of BRE209 I am satisfied that the equivalent VSC to the lower floor window in No. 22 would be between 29% and 30% well above the recommended retention of 27%.
- j. Based on these VSC values, Figure 20 Decision Chart indicates that daylighting to the lowest and closest window at the rear of No. 22 Glenail is unlikely to be affected. As this is the window closest to the development and therefore most at risk, I consider no further daylight investigations are required to this or any other property.

8.7.4.4. Sunlight to Amenity Spaces of Existing Neighbouring Property

- a. Section 3.3 of BRE 209 considers the impact of development on sunlight to existing amenity spaces such as Gardens and Open Spaces. Section 3.3.7

recommends that at least half of the amenity space should receive at least two hours of sunlight on March 21st (the Equinox) and in scenarios where detailed calculations cannot be carried out it is suggested that the centre of the area should receive at least two hours of sunlight on March 21st.

- b. Significant concerns are raised by Appellants in relation to the impacts of the proposed development on existing private amenity spaces i.e. overshadowing and the loss of light gardens as a result of the proposed development.
- c. In response to the appeals and Condition 2 of the decision to grant permission by GCC the applicants have submitted existing and proposed shadow analysis drawings for comparison.
- d. The shadow analysis compares the existing and proposed levels of sunlight to adjoining properties on March 21st at 9 am, 12 pm, 3 pm and 6pm. I having considered the analysis, the orientation and height of the revised development. I accept the rear of the house to the immediate west of the site and the rear garden of No. 20 Glenail will see increased overshadowing in the early morning. However, it is clear this impact will subside by late morning early afternoon. Similarly the adjoining property to the east will see some impact in the later evening but not at all in the earlier part of the day. There is minimal impact over the course of the day to No. 22 and 24 Glenail.
- e. Having considered the height, siting and orientation of the development I am satisfied existing private amenity areas will still retain a minimum of two hours sunlight on March 21st as per the recommendations of section 3.3.7 of BRE209. Therefore the proposal will not have a significant impact that will unduly detract from existing residential amenity.

8.7.4.5. Sunlight to Proposed Communal Amenity Spaces

- a. Appellants have raised concern in relation to the quality of the proposed communal amenity space to the rear of the development.
- b. Section 4.11 of the 2020 Apartment Guidelines states-

Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year.

- c. Section 3.3.7 of BRE 209 recommends that at least half of gardens and open spaces should receive at least two hours of sunlight on March 21st (the Equinox).
- d. The Shadow Analysis submitted in response to the appeal indicates the proposed area of communal amenity space will start to receive direct sunlight on March 21st before 12 pm. By 3pm most of the space will receive direct sunlight. By 6pm a small section of the area will still receive some daylight.
- e. Having considered this I am satisfied the proposed communal amenity space will receive most of its direct sunlight from a westerly direction and will receive at least two hours of sunlight on March 21st and is in accordance with recommendations of section 3.3.7 of BRE 209. Accordingly the proposed development will provide adequate levels of sunlight to reach communal amenity space in accordance with the Apartment Guidelines.

8.7.4.6. Sunlight to Interiors of Existing Houses

- a. Section 3.2 of BRE209 provides guidance in relation to safeguarding access of sunlight to interiors of existing dwellings. Summary box 3.2.11 states-
'If a living room of an existing dwelling has a main window facing within 90 degrees of due south and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected.'
- b. Having assessed the properties in the area I consider the only windows that facing within 90 degrees of due south directly towards the proposed development are those to the rear of No. 22 and 24 Glenail. As already determined in section 8.7.3.3 above, I am satisfied that no part of the new development subtends an angle of more than 25 degrees to the lowest and closest window (most at risk) of No.22. Accordingly I am satisfied that the proposed development will not adversely impact upon sunlight to the interiors of neighbouring properties.

8.7.4.7. Conclusion on Daylight and Sunlight Impacts

- a. I have considered the height, bulk, massing, orientation and proximity of the site and proposed development to existing properties and their private amenity spaces.
- b. The 2018 Urban Building Height and 2020 Apartment Ministerial Guidelines generally seek '*appropriate and reasonable regard*' to the quantitative performance approaches to daylight provision outlined in guides like BRE 209 and 'BS 8206-2: 2008 (now superseded by BS EN 17037:2018). They make no such provision for other Daylight Sunlight impacts other than the Urban Building Guidelines which details design in the context of the site itself should minimise overshadowing and loss of light.
- c. Notwithstanding this, I am satisfied the other measures to protect against the daylight and sunlight impacts of development as set out in BRE209 and BS 8206-2 2008 (superseded by BS EN 17039:2018 Daylight in Buildings) are appropriate performance measures for considering residential amenity impacts.
- d. I have given detailed consideration to the proposed development in the context of BRE209 and BS EN 17037: 2018 'Daylight in buildings'. The only concern I have identified relates to daylight provision of Living/Dining and Kitchen rooms in Apartments 3, 6 and 9 where an ADF of 2% is recommended. These rooms, although south facing are very deep and daylight will be obstructed by overhanging roofs of balconies. I consider the extent of the impact is felt most at the ground floor.
- e. In section 8.5, I have determined that the proposed development generally complies with all relevant Apartment Standards. All apartments exceed minimum floor area requirements and apartments 3, 6 and 9 benefit from large private amenity spaces in excess of the required 5 and 7 sq.m. In this regard I am satisfied the quality of these apartments can compensate for daylight provision to open plan living/dining kitchen rooms that may not meet the minimum 2% ADF requirement.
- f. I note section 1.6 of BRE 209 specifically details that the advice given is not mandatory and should not be seen as an instrument of planning policy.

Accordingly, there is reasonable scope for discretion which can be balanced against the desirability of achieving wider planning objectives.

- g. As per section 8.5, the site can be considered to be located in a 'Central and/or Accessible Urban Location' and a 'Intermediate Urban Locations' as per the 2020 Apartment Guidelines. It is served by existing public services and is in close proximity to public transport. The site is zoned R in the Galway City Development Plan 2016-2022 which specifically provides for residential development.
- h. Having considered the above and other relevant provisions of the Development Plan, the NPF and in particular the 2020 Apartment Guidelines & 2018 Urban Development and Building Heights Guidelines, I am satisfied the proposed development would strike an appropriate balance between achieving wider planning objectives in the form of necessary urban development with possible limited daylight provision to the minority of apartments and providing for residential amenities for future occupants and protecting existing residential amenity of nearby properties.

8.7.4.8. Noise and Disturbance

- a. The appellants have raised noise related concerns over the proposed development. In particular excessive noise from the communal amenity space has the potential to disrupt existing residential amenity. The proximity of private amenity space to the heavily trafficked Tuam Road will also negatively impact on proposed residential amenity for the occupiers of the development.
- b. The proposed development will provide a large area of private amenity space to the rear of the property. This is consistent with residential development in the area. In this regard the management and maintenance of the proposed development including the communal amenity space will be the responsibility of a legally constituted management company. The appellants have put forward no evidence to suggest excessive noise pollution will arise as a result of the proposed development. Furthermore, I consider negative impacts from anti-social behaviour if they were to happen, would be a matter for the Gardai.

- c. During my site inspection, I did observe the existing rear boundary treatment is block walls that are not very high from within the application site especially at the rear. In this regard should the Board decide to grant permission, I recommend a condition be attached to ensure such treatment is at least 1.8m high from within the site.
- d. In terms of the impacts of noise to proposed residential amenity, I accept the levels of noise from the Tuam Road could be undesirable when the areas of private amenity space are being used. However, the site is already in existing residential use, within an urban environment and is zoned for residential use.
- e. The applicants in their response to the appeal have proposed triple glazing to windows and doors along the front elevation. This will help reduce and mitigate internal noise pollution. Bedrooms are located to the rear of the property and the large area of communal amenity space provides alternative amenity spaces for residents of the property. These are considered appropriate noise mitigations measures given the sites context and it would be unreasonable to refuse permission for residential development on this basis in these circumstances.

8.8. Transport Related Issues

8.8.1.1. Road Safety

- a. The Appellants raise traffic safety related concerns over the use of the existing entrance for the proposed development. They highlight the heavily trafficked nature of the road and the history of accidents on same.
- b. I note the applicants have submitted a Stage 1 Road Safety Audit in response to point 4 of the request for further information. This identified 6 problems and recommended measures to the public road, foot path, the internal site layout, surface water drainage. The measures within the site have been addressed in the revised submissions. Works to the public road will need to be addressed through the local authority.
- c. The application proposes access to the site from an existing entrance over the existing public path which is dished at the entrance to the Tuam Road. In the

response to the appeal the applicants argue the proposal will not generate a significant increase in trip generation and would not result in a traffic hazard or undue intensification of the entrance to endanger pedestrian in the area.

- d. I accept the proposed development may result in conflicting traffic turning movements at times when cars may be accessing or egressing the site. The proposal may also impede pedestrian movements at such times. However, such movements and frequency of same would not be too dissimilar to existing arrangements where a commercial use is permitted and has operated.
- e. Vehicles accessing and egressing the site are likely to be moving very slowly. The proposal will not significantly intensify the use of the entrance, will not significantly interfere with pedestrian movements and will not have a negative impact from a road safety perspective.

8.8.2. Car Parking

- a) The development proposes 8 car parking spaces. Section 4.19 and 4.21 of the 2020 Apartment Guidelines details that for higher density developments, comprising wholly of apartments in 'Central Locations and/or Accessible Urban Locations' and 'Intermediate Urban Locations' that are served by public transport, car parking provision should be minimised or reduced.
- b) The site is located in close proximity to existing and proposed public transport. In this context, I consider the provision of 8 car parking spaces for the apartment element of the development to be acceptable and in accordance with the 2020 Guidelines.

8.8.3. Cycle Parking

- a) The applicants submission to address condition 2 of GCC grant of permission provides for a bin and cycle store to the rear of the site. Drawing 3003 indicates this will be 33.8 sq.m and that 1 space is provided each bedroom and one per 2 bedrooms giving a total of 18.
- b) Section 4.17 of the Apartment Guidelines details a general minimum standard of 1 cycle storage space per bedroom and 1 space per 2 residential units for visitors. This would indicate a requirement of 18 cycle spaces, 13 for the

apartments and 5 for visitors. In this context, I consider the provision of 18 cycle spaces acceptable and in accordance with the 2020 Guidelines.

8.9. **Appropriate Assessment**

8.9.1. ***Introduction***

- a) A screening report for Appropriate Assessment was not submitted with this application or appeal. Therefore, this screening assessment has been carried de-novo.

8.9.2. ***Stage 1 Screening***

- a) The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on European sites. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on such European Sites.

8.9.3. ***The Proposed Development and Receiving Environment***

- a) The proposed development comprises the demolition of an existing residential style building most recently used as a chiropractors, the construction of a 3 storey building with 9 apartments and associated development.
- b) The site can be considered an existing underutilised, urban brownfield site that benefits from existing services. The site is not located within or adjoining a designated European site.

8.9.4. ***European Sites***

- a) Given the location of the site, and the nature and scale of the proposed development, I consider the designated sites as set out in Table 1 below to be within the zone of influence of the subject site.
- b) I am satisfied that other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites

could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site.

8.9.5. ***Test of Likely Significant Effects***

- a. The project is not directly connected to or necessary to the management of any European site. The proposed development is examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- b. Based on the source-pathway-receptor model and having regard to the existing use, the sites urban context, the nature of the proposed development, the scale of works proposed, the sites proximity to European sites and having regard to the NIS carried out for the City Development Plan and implications for this site, the following issues are considered for examination in terms of likely significant effects on European sites-
 - Potential for impacts on water quality as a result of inadequate wastewater treatment and discharge.
 - Potential for construction and operation related impacts from surface water disposal and proposed SUD's on nearby water courses and their quality.

8.9.6. ***Potential Effects***

8.9.6.1. **Wastewater**

- a) It is proposed that foul water from the proposed development would be discharged via the public sewer. A services report dated 25/06/20 and 'Public Services' Drawing 054/20 PL01A have been submitted with the original application which detail and show existing services to the front of the site.

| Table 1 | | |
|-------------------------------|---|----------------------|
| European Site and code | Qualifying Interests | Distance |
| Galway Bay Complex SAC 000268 | <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Turloughs [3180] • Juniperus communis formations on heaths or calcareous grasslands [5130] • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] • Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] • Alkaline fens [7230] • Lutra (Otter) [1355] • <i>Phoca vitulina</i> (Harbour Seal) [1365] | c.900m to the south. |
| Inner Galway Bay SPA 004031 | <ul style="list-style-type: none"> • Black-throated Diver (<i>Gavia arctica</i>) [A002] • Great Northern Diver (<i>Gavia immer</i>) [A003] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Shoveler <i>Anas clypeata</i> [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] | c.900m to the south. |

| | | |
|---------------------------|---|----------------------------|
| | <ul style="list-style-type: none"> • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999] | |
| Lough Corrib SAC (000297) | <ul style="list-style-type: none"> • 1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> • 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> • 1095 Sea Lamprey <i>Petromyzon marinus</i> • 1096 Brook Lamprey <i>Lampetra planeri</i> • 1106 Salmon <i>Salmo salar</i> • 1303 Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i> • 1355 Otter <i>Lutra lutra</i> • 1393 Slender Green Feather-moss <i>Drepanocladus vernicosus</i> • 1833 Slender Naiad <i>Najas flexilis</i> • 3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) • 3130 Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> • 3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. • 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation • 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) • 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) • 7110 Active raised bogs • 7120 Degraded raised bogs still capable of natural regeneration • 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> • 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> • 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>) • 7230 Alkaline fens • 8240 Limestone pavements • 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles • 91D0 Bog woodland | c.1.8 km to the north west |

- b) Section 9.7 of the City Development Plan details that Irish Water have upgraded Galway's Wastewater Treatment facility which increases the capacity of the plant from 92,000 to 170,000 p.e. I note the Planning Authority have granted permission for the development and agreement to connect to the public service from Irish Water will be required separately.
- c) Given the nature of the site, its location within Galway City on residentially zoned land, the scale of the proposal, it is considered that the proposed development would give rise to an insignificant increase in the loading at the Wastewater Treatment Plant, which has sufficient capacity to facilitate the development.
- d) In any event connection to the public system would be subject to Irish Water consent and would only be given where compliance with EPA licensing in respect of the operation of the plant would not be breached. I also consider that the distances are such that any pollutants in discharge post treatment from the WWTP would be minimal and would be sufficiently diluted and dispersed. I am satisfied that wastewater from the proposed development will not have a significant effect and would not adversely affect the integrity of the identified European sites.

8.9.6.2. **Surface Water and Water Quality**

- a) It is proposed that surface water from the proposed development would be discharged via the Public Surface Water Sewer/Drain. A services report dated 25/06/20 and 'Site Layout Plan' Drawing No 054/20 PL01A submitted with the original application shows proposed and existing services to the front of the site.
- b) Section 9.7 of the City Development Plan details the Council functions relating to water quality and monitoring and the issuing of discharge licenses to the surface water network. Section 9.8 and policy 9.8 deals with Sustainable Urban Drainage Systems (SUDS) and seeks the use of same in the design of development.
- c) The nearest water course to the site is c. 450m west with considerable urban development between. In this regard it is not likely that the proposed development would cause risk during the construction stage of the

development. Any such risk can be appropriately managed through best practise measures which can be sought through a condition requiring submission of a Construction Management Plan with details on means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- d) The services 'Site Layout Plan' Drawing No 054/20 PL01A submitted with the original application shows proposed surface water drainage measures for the operational stage of the development. These include a surface water soakway to the front hard surfaced area. There is also a grass lawn area proposed to the rear of the site. Condition 14 of GCC's grant requires surface water from the building and paved areas not to discharge to public road or paths. Condition 17 requires details of finishes to car parking to be agreed.
- e) The services report dated 25/06/20 details that paved surfaces will be provided for vehicle and pedestrian circulation with all other areas to be landscaped allowing surface water to infiltrate. I note the site is currently extensively hard landscaped to the front. Subject to additional SUD's measures for example permeable paving, rainwater harvesting etc which can be further addressed by condition I am satisfied that surface water can be managed on site or as agreed with the Council during the operation stages and there will not be a significant impact upon the quality or quantity of surface water run-off from the development.

8.9.7. ***In-combination Impacts***

- a) The subject application should be considered as part of the wider development of Galway as part of the City Development Plan. The Plan was also subject to AA by the Local Authority.
- b) I do not consider there to be any other specific recent planning applications in the immediate area that could have in-combination effects with the proposed development on the identified European Sites.

8.9.8. ***Conclusion***

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out

Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) would not be likely to have a significant effect on the following European Sites-

- Galway Bay Complex SAC 000268
- Inner Galway Bay SPA 004031
- Lough Corrib SAC (000297)
- or any other European sites, in light of the sites' Conservation Objectives', and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

9.0 Recommendation

9.1. I recommend that permission is granted subject to the following conditions-

10.0 Reasons and Considerations

10.1. Having regard to the provisions of-

- the National Planning Framework and the Regional Spatial & Economic Strategy for the Northern and Western Region (RSES) including the Galway Metropolitan Area Strategic Plan
- the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH, 2020),
- the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG, 2018) and in particular Specific Planning Policy Requirement 4
- Circular Letter: NRUP 02/2021 and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- and the provisions of the Galway City Development Plan 2017- 2023,

it is considered that, having regard to the general pattern and development in the area and the nature and scale of the proposed development, and subject to

compliance with the conditions set out below, the proposed development, would constitute an acceptable quantum of development, housing mix, height, design, layout and appropriate density for the area, would be acceptable in terms of the residential and visual amenities of the area and would be acceptable in terms of traffic and road safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to An Bord Pleanála on the 06th day of April 2021, 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.

Reason: In the interest of clarity.

2. Details, including samples (where appropriate), of the materials, colours and textures of all the external finishes to the proposed buildings 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.

3.
 - a. One car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased.

- b. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: In the interest of orderly development and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

4. A comprehensive boundary treatment and landscaping scheme for the site shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - a. details of all proposed hard surface finishes which shall be of permeable;
 - b. proposed locations of planting in the development, including details of proposed species and settings;
 - c. details of proposed furniture, lighting fixtures and seating etc;
 - d. details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. Boundaries to the rear and side of the front building line of the development shall be no lower than 1.8m when measured from within the site

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of residential and visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. 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 noise, dust and vibration management measures, and monitoring of such levels, containment of all construction-related fuel and oil measures and means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

Reason: In the interests of public safety and residential amenity.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interest of sustainable waste management.

8. 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 for both the commercial and residential elements of the development, 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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.

10. Proposals for a development name and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. Details of the proposed external lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall cowl lighting into the site and away from adjoining property and be fully implemented and operational before any of the residential units are made available for occupation.

Reason: In the interest of public safety and visual amenity.

12. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHLGH 2020) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interest of orderly development.

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, paths, parking areas, public lighting, bicycle and waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential units are made available for occupation.
Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

14. Water supply and drainage arrangements, including the disposal of surface water, which shall provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works.
Reason: To ensure adequate servicing of the development, and to prevent pollution.

15. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.
Reason: In the interest of public health.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

18. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Adrian Ormsby

21st of December 2021