



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317441-23

#### Development

Changes to previously granted merger, renovation and extension of pair of semi-detached houses, Galway City Council planning file reference number 20/51 to change of use to student accommodation and extension of previously granted detached house (merged of semi-detached houses) to form a 13 bedroom student accommodation, construction of a new rear part single and part two storey rear extension and small front single storey entrance extension, construction of a bin store and covered bike stand and all associated building works and all associated site works.

#### Location

No. 7 & No. 9 Upper Newcastle Road, Galway.

#### Planning Authority

Galway City Council

#### Planning Authority Reg. Ref.

2385

#### Applicant(s)

Berls Development Ltd

**Type of Application** Permission.

**Planning Authority Decision** Refused

**Type of Appeal** First

**Appellant(s)** Berls Development Ltd

**Observer(s)** None.

**Date of Site Inspection** 30/09/23

**Inspector** Darragh Ryan

## 1.0 Site Location and Description

1.1. The existing site is located within the inner residential neighbourhood of Newcastle Galway City, number 7 & 9, Upper Newcastle Road. There are two vacant semi-detached dwellings on site which are the subject of this application.

1.2. The site is located along the western side of Upper Newcastle Road. To the northeast of the site sits, a Circle K Shop & off-licence. The main University of Galway campus also sits to east of the proposed site approx. 300m. Immediately south of the site is a Centra Convenience Store and off-licence.

1.3. The area is characterised by inner city residential development, interspersed with a number of commercial developments. The site is serviced with footpath, public lighting and bus stop within a few meters of the proposed development.

## 2.0 Proposed Development

2.1. As per the statutory notices the development comprises the following:

Changes to previously granted merger, renovation and extension of pair of semidetached houses, PA reference 20/51, to the following:

- Change of use of student accommodation and extension of previously granted detached house (merged semi-detached house) to form a 13-bedroom student accommodation in single 2 storey building.
- Construction of a new rear part single and part two storey rear extension and small front single storey entrance extension, all associated elevation changes,
- Construction of a bin store and covered bike stand
- Construction of rear single storey self-contained recreation room for the sole use of the main building occupants
- all associated building works.

2.1.1. The existing structures on site equate to a total area of 240m<sup>2</sup>, the proposed new build with extension shall amount to 445.5m<sup>2</sup>. The site area is stated at .073ha. The proposed development will result in a plot ratio of 0.62.

The following documents have been submitted with the application:

- Planning statement
- Mobility Management plan
- Student Accommodation Management Plan

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority issued a decision to refuse for the following reason:

“The proposed development would be contrary to the provision of Section 3.7 “neighbourhoods – Inner residential Areas” and section 8.8 “Urban Design” of the Galway City council Development Plan 2023 -2029, as the two storey rear extension would significantly breach the rear building line over two levels, resulting in becoming an overbearing feature to adjacent properties, adversely affect the character of the area, as the extension design, scale, height, length, mass and layout contravenes the established pattern of development, plots, blocks and amenity spaces within the area and does not have cognisance of the design principles established by original dwellings. The current design/proposal/layout if permitted, would overshadow adjacent property, erode the established character of the area and would represent a major addition and redevelopment of the urban fabric and would not have regard to the existing pattern of development plots, blocks streets and spaces, be contrary to the above outlined development plan policies and would be injurious to the residential amenities of the area.”

### 3.2. Planning Authority Reports

3.2.1. The basis for the planning authority decision is as follows:

- The proposed extensions to the rear of the building line would extend out to the rear of the dwelling by 17.7m at ground floor level and 11.6m at first floor level. This varies considerably with recently permitted permission 20/51. The proposal is similar to refused permission 19/258, which also sought a large rear extension.

- The proposed rear extension contains a flat roof with a parapet height of 6.5meters and the proposed extension would be less than 1m from the southern boundary and in parts immediately abuts the boundary. The proposal will result in a significant overshadowing on the property to the north, which would impact upon the rear private amenity of the property to the North.
- It is considered that the proposed rear extension due to its size, scale and mass does not meet referenced development plan polices namely Chapter 11 Development Management Guidelines, Section 3.7 and Section 8.8. The proposal was considered contrary to these objectives within the refusal reason.
- The development is of a size and scale that is not capable of satisfactory assimilation into the local environment and will have an overbearing impact from the point of view of properties from the rear.

### 3.2.2. Other Technical Reports

Internal Department report – no objection to the proposed development

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Letter of Support from University of Galway

- Location of proposed development is excellent directly across the road from the entrance to the campus.
- Well serviced in terms of local amenities and on campus student facilities
- The proposed location will give access to the campus without the requirement for a car, this would help relieve on campus and local road traffic/parking issues.

## 4.0 Planning History

PA ref no 20/51 – Permission granted for development to merge both semidetached two storey houses, No 7 and No 9 Upper Newcastle Road, to a single five bedroom detached two storey dwelling with attic storage space. These works include for an extension to the rear of the property.

PA ref no 19/258 – Permission refused for the part reconstruction and merging of 2 no semi -detached houses to form a 12 bedroom student accommodation, in the form of 3 apartments, in a single 3 storey building.

PA ref no 14/32 – Permission refused at no 7 Upper Newcastle Road, for change of use from residential to barber shop as part of the ground floor area and all associated site works.

PA ref 12/15 – permission refused at no 7 Upper Newcastle Road for demolition of existing single storey rear extension and construct a new rear extension and change of use from residential to takeaway. Retention for part of existing front boundary wall which has being demolished.

## 5.0 Policy Context

### 5.1. Galway City Development Plan 2023 -2029

#### **Section 11.2 Land use Zoning – Residential**

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.

#### **Section 3.7 – Sustainable Neighbourhoods: Inner Residential Areas**

The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high-quality regeneration and appropriately scaled infill. Such development will be required to demonstrate a positive contribution to the urban fabric, respect and contribute to existing amenity and character and deliver sustainable benefits. Similarly where replacement

dwellings are proposed, the sustainable benefits must be clearly demonstrated and any such development must make a positive contribution to the area’s urban fabric, amenity and character.

**Policy 3.6 Sustainable Neighbourhoods: Inner residential Areas**

Protect the quality of inner residential areas including Claddagh, Shantalla and Newcastle (to Quincentenary Bridge) by ensuring that new development through consolidation, infill and redevelopment does not adversely affect their character and has regard to the prevailing pattern, form and density of these areas.

**Section 8.8 Urban Design and Placemaking.**

Good urban design can enhance the character of Galway and convey a sense of what is unique about the city. It is essential in the creation of attractive, well-functioning, successful places.

**Section 11.29 – Student Accommodation – Development Management standards.**

**Table 3: Compliance with “General” Development standards/guidelines for Student Accommodation**

**5.2.1. National Planning Framework ‘Project Ireland 2040’**

National Policy Objective 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.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.1.1. **Guidelines on Residential Developments for 3<sup>rd</sup> Level Students 1999**

These guidelines set out total floor areas for student accommodation. The guidelines have been prepared with a view to ensuring that the overall standard of design and construction of accommodation being provided would promote the objectives of the Student Residential Accommodation tax incentives.

### 5.2. **Natural Heritage Designations**

Lough Corrib SAC ( site code 000297) 300m to the East  
Galway Bay Complex SAC – 600m to the South

### 5.3. **EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

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

This is a first party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows:

#### 6.1.1. Contrary to Section 3.7 “Neighbourhoods – Inner Residential Areas of the Galway City Development Plan 2023 – 2029.

The applicant sets out the entirety of the Section 3.7 in the appeal and breaks it down into constituent parts in order to offer a rebuttal to this aspect of the refusal reason. The applicant contends that the development proposal is not contrary to the provisions of Section 3.7 for the following reasons:

- The proposed rear extension is a limited infill development which is in keeping with the emerging pattern of development of the area. The infill development /extension is of appropriate scale and responsive to its context



and does not represent a major addition to the existing urban fabric. The proposal represents a high-quality regeneration of a vacant and underutilised property.

- The proposed development is readily accessible by foot to the University across the road, and to cycle networks in the area. The proposal is not reliant on car parking provision and will not injure residential amenities.
- Section 3.7 accepts the principle that “Inner Residential Area” shall be dynamic and cater for additional development such as that proposed in this instance.
- The proposal will not impact the streetscape of Upper Newcastle Road, it will remain unaffected.
- In regard to the “mixed pattern” of back land development within the urban block, the applicant has submitted a series of aerial photographs. The aerial photographs demonstrate a mixed pattern of development, mixed pattern of plots, building blocks and private amenity space and a mixed pattern of rear building lines and building heights. The proposed development would “not adversely affect the character of the area”
- Owing to the mixed pattern of back land development at this location, the council’s consideration that the proposed development contravenes the established pattern of development in the area is unreasonable. The building is in compliance with provisions of section 3.7 of the County Development Plan as the development will ensure that the building line, massing and height of the proposed development in relation to the street will remain unaffected.

#### 6.1.2. Contrary to Section 8.8 “Urban Design”

- The proposal consists of a high-quality urban design intervention and does not breach Section 8.8 of the City Development Plan.
- The proposal completely respects the existing streetscape, building line, ridge line and will result in an enhanced urban design appearance along Newcastle Road. The proposed rear extension will not be visible from the public realm.

- Section 8.8 does not afford any protection to rear garden plot. Owing to the mixed and non-uniform character of this area/urban block the proposed high quality urban design intervention should be considered favourably in this case.

#### 6.1.3. Overbearing feature to adjacent properties

- The rear plots at this location are bounded by existing urban development of mixed character.
- The proposal is stepped in height to reduce any overbearing concerns on neighbouring properties. The height of previous permitted extension, permitted under 20/51 is lower than that previously permitted at this location.

#### 6.1.4. Overshadowing of adjoining property

- The planning application is accompanied by an “existing” shadow study, this demonstrates a level of overshadowing on the existing property to the north. An existing shed within the site is located along northern boundary wall and this casts a shadow over property No.11, the proposed development results in a comparable level of shadow. The extent of overshadowing as a result of stepped back nature of the development will result in a reduced overshadowing onto the house No.11 at certain times of the year.

#### 6.1.5. Precedent

- There is precedent for similar type of development in the vicinity of the site, namely application PA ref no 18/170, ABP ref – 302364 -18. This development was located within the “established suburbs” neighbourhood area and consisted of a two storey structure which projected beyond the “rear building line” of terraced houses.

## 6.2. **Planning Authority Response**

None

### 6.3. Observations

None

## 7.0 Assessment

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

- Size/ Scale, Design, Overshadowing
- Compliance with Development Plan Policy Objectives
- Other Issues
- Appropriate Assessment

### 7.1.2. **Design, Size & Scale, Overshadowing**

There was one reason for refusal as set out by Galway City Council, the central issue in this appeal is the size and scale of the proposed development in the context of the site and surrounding uses. The primary reason for refusal by the planning authority was that two-storey rear extension would significantly breach the rear building line over two levels, resulting in becoming an overbearing feature to adjacent properties, and would adversely affect the character of the area, as the extension design, scale, height, length, mass and layout contravenes the established pattern of development.

I consider that the size & scale of the rear extension, the proximity of the proposed development to the northern boundary and the potential for overshadowing on the dwelling house to the north to be the primary issues. The assessment shall focus on these issues.

7.1.3. The proposal consists of a purpose-built student accommodation scheme, for 13 no student bedrooms, split up into 4 units each with their own kitchen/ living and dining areas.

The proposed extension involves the construction a low-profile flat roof part two storey and part single storey rear extension. A single storey garden and amenity room is also proposed to the rear of the property.

- 7.1.4. The two-storey element of 6.5m in height, extends to the rear of the existing building line by 11.6 meters. This element of the two-storey dwelling is set back off the northern boundary, to reduce the impact on adjoining residential property. The windows on the northern elevation consist of obscure glazing and top hung windows to avoid issues of overlooking. The ground floor rear extension is also set back off the northern boundary to avoid impact on neighbouring property. This element of the extension extends out 17.6m from the rear building line.
- 7.1.5. The planning authority in its assessment of the application considered the size and scale of this extension to be excessive in terms of the emerging context of this inner city residential environment. The appellant sets out that there is no uniform pattern of development in the locality and the redevelopment of a vacant site in this urban setting should be considered favourably. Its is set out that design approach is respectful of its setting and not of a massing to cause a significant adverse impact on amenity of residential properties. Furthermore, the applicant contends the proximity to the university campus and associated interspersed commercial uses in the surrounding area, highlights the potential of the area for a high-quality bespoke infill development.
- 7.1.6. I consider the size and scale of the proposed development to not be exceptional in the context of this urban environment. The applicant has made a reasonable effort to set back the development off the residential property to the north. The southern site is used as a local convenience store and off licence, I consider it appropriate to assess the development in this context. I also agree with the applicant that there is no uniform pattern of development in the area, site history and aerial photographs provided indicate a mixture of development uses of varying scale. The site is of a reasonable size to accommodate the proposal to the rear. The stated site area is .073ha and the proposal would result in a plot ratio of 0.62. Post development there would be in excess of 181m<sup>2</sup> of private amenity space available. I do not consider this scale to be excessive. In terms of height, a two-storey extension is not out of context for the area. The proposal will not be visible from the public road and there is no break in the ridge line at this location. Based on the location of the site,

immediately adjacent to the university and well serviced by public amenities, the nature of other residential development in the vicinity of the site, I consider the development proposal to be of a size and scale appropriate for this inner-city residential area.

- 7.1.7. Regarding overshadowing, a shadow analysis was submitted with the planning application. The shadow analysis takes account of the existing and proposed arrangement on site. The shadow analysis examines the impact of the proposed development for the periods of winter solstice shadow, spring equinox shadow, summer solstice and fall equinox and for the times of 0900 hours, 1200 hours, 1500 hours and 1700 hours. I consider this range to be acceptable in terms of providing a representation of overshadowing. From reviewing the shadow analysis submitted I note that a degree of overshadowing that occurs from the existing arrangement on site, to the rear of property no 11 Upper Newcastle Road. The level of shadow from the proposed new development is comparable with the existing arrangement. The times of note include; throughout the day in winter and at 1200 hours in spring and autumn, a degree of overshadowing at 0900 hours and 1200 hours in Summer. Having reviewed the shadow analysis, I do not consider the extent of overshadowing indicated in respect of neighbouring properties to be exceptional. Having regard to periods/durations of overshadowing concerned, I consider that the degree of overshadowing indicated would fall within the bounds of acceptance for an urban site.
- 7.1.8. Having regard to proximity to site boundaries, the proposal immediately abuts the southern boundary to the rear and is 1.5m of the boundary at its closest. The development to the south consists of a Centra convenience store and off-licence. I do not consider the proposal will have a significant impact on the use of this property to the south. The commercial element of the development negates issues around residential amenity. The proposed extension at ground floor and first floor level are stepped back off the boundary to the north. At first floor level the applicant has indicated obscure glazing to eliminate issues of overlooking. As set out under point 7.1.7 above a sunlight/daylight cast analysis has been submitted and the level of overshadowing is comparable to existing arrangement on site. Having regard to the above, I agree with the applicant that the design proposal will not result in an overbearing impact or have adverse impacts on amenity of neighbouring properties.

## 7.2. Compliance with Development Plan Policies/ standards

The planning authority refusal sets out that the proposed development would contravene section 3.7 and section 8.8 of the Galway City Development Plan 2023-2029, as the proposed new building would significantly breach the rear building line and result in an overbearing impact on adjacent properties.

### 7.2.1. Section 3.7 can be summarised as follows: Sustainable Neighbourhoods: Inner Residential Areas

“The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high-quality regeneration and appropriately scaled infill. Such development will be required to demonstrate a positive contribution to the urban fabric, respect and contribute to existing amenity and character and deliver sustainable benefits.....the sustainable benefits must be clearly demonstrated and any such development must make a positive contribution to the area’s urban fabric and amenity and character.”

The planning authority refusal reason sets out that the proposal due to its excessive rear building line, is not considered an appropriately sized infill, not sympathetic to the urban fabric and would have an adverse impact on the character of the area.

### 7.2.2. The applicant offers a rebuttal to this element of the refusal reason and considers Section 3.7 of the County Development Plan offers flexibility in the consideration of infill proposals within “Inner Residential Areas”.

- It is considered that the proposed rear extension consists of a limited infill in keeping with emerging pattern of development.
- The proposed student accommodation is readily accessible by foot to a number of amenities and to the main university campus.
- Section 3.7 specifically accepts that the principle that the “inner residential area” is dynamic and can cater for additional development. The proposed development offers a progressive, efficient and sustainable form of development.

- The proposal has been careful to ensure that the streetscape onto Upper Newcastle Road will remain unaffected. The proposal will result in high quality regeneration of a vacant and underutilised property.

7.2.3. I am satisfied that the applicant has taken careful consideration of the design and layout to allow the proposal to assimilate into the area. As stated in an earlier part of the assessment the extension is not of an excessive scale, there is ample capacity on site to accommodate the development. I note with respect to Section 3.7 of the City Development Plan, that no aspect of this section contains policies or standards in relation to protection of “rear building lines”. Furthermore, owing to the proximity of the site to the university campus, the car free nature of the development and the number of amenities in the vicinity of the site, I consider a development of this nature to be a sustainable progressive approach. I agree with the applicant that the development is largely in compliance with Section 3.7 of the City Development Plan.

7.2.4. Section 8.8 of the City Development Plan sets out the principles of good urban design. The principles outlined include character, legibility, ease of movement and connectivity., quality of the public realm, continuity and enclosure, diversity and adaptability and environmental responsibility and climate resilience. The planning authority report sets out that “...there is an urban design legacy along this street as the original dwelling on this site form part of a row of residential dwellings...” The applicant sets out that the proposal does not alter the front building line or change anything architecturally along the streetscape. The proposal will bring two long vacant properties back into use and completely respects the existing streetscape, building line, ridgeline and will result in an enhanced urban design appearance.

7.2.5. Having reviewed Section 8.8 of the City Development Plan, I note there is no specific detail outlined with respect to rear garden plot/dimensions. I am satisfied that the rear extension will not alter the character of the area, as it will not be visible from the public road. I agree with the applicant that owing to the mixed and non-uniform character of the area/urban block the proposed infill development of this scale can be considered appropriate in this instance. I consider the proposed development is in compliance with Section 8.8 of the Galway City Development Plan.

7.2.6. Other Development Plan Polices – Section 11.29 of the Development Management Chapter sets out guidelines with respect to provision of student accommodation. The

applicant within their application has provided a design statement and a student accommodation and management plan. This sets out compliance with the development management standard in terms of location, sustainable travel, bicycle parking, storage space and private amenity areas. I consider the development as proposed accords with the Development management plan standards.

### 7.3. Other issues

The final element of the applicant's appeal sets out that there is precedent in the immediate area for permitting rear large extensions. Within 90m of the proposed site at No 21 Upper Newcastle Road, ref no ABP –302364– 18, the board permitted 4 no 2 storey apartments at the end of a terrace of houses. The applicant contends that there are similarities with this now completed development and the applicant's proposal.

- The rear building line of the extension was accepted by the board, exceeds that which is proposed in this case.
- The board did not consider this proposal to be excessive or overbearing in the context of amenity of adjoining properties,
- The level of overshadowing northwards of the permitted development exceeds levels of overshadowing in the proposed redevelopment in this instance.
- The permitted development was located in an area "established suburbs-Neighbourhood area", the area of the proposed development is within the "inner Residential Neighbourhood Area" where the city development plan allows for a greater design tolerance owing to the dynamic character of the area.

7.3.1. Having reviewed permitted application ABP 302364-18, I agree that certain aspects of the permitted development are similar to the proposed extension. Although the proposed development is not an end of terrace development it forms part of a pair of semi-detached houses, the houses to the north of the site are similar in terms of potential impact. The real difference in terms of assessment is that the development as permitted by the Board offered street frontage along two public roads at Upper Newcastle and regional road R338, therefore it is not entirely comparable.



As set out in other areas of the assessment, I am satisfied that the proposal as assessed on its own individual merits will not cause a significant negative impact on amenity of neighbouring residential properties. Based on the location of the site, immediately adjacent to the university and well serviced by public amenities, I consider the development proposal to be of a size and scale appropriate for this inner-city residential area.

#### **7.4. Appropriate Assessment**

Lough Corrib SAC ( site code 000297) 300m to the East of the proposed site.

Having regard to the nature of the proposed development and the location of the site in a serviced inner residential area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

I recommend that planning permission be granted for the following reasons:

#### **9.0 Reasons and Considerations**

Having regard to the residential zoning provision of the site in the Galway City Development Plan 2023 - 2029 within an area defined as “Inner City Residential” and Section 3.7 which permits infill where the proposal provides reasonable protection of the residential amenities and the character of the area, to the planning history of the site, the height, scale, design, layout and use of materials, the Board considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety and convenience, would not lead to significant overlooking or overbearing of the adjoining property and would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The 13 student accommodation units hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13 (d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.</p> <p>Reason: In the interest of residential amenity and to limit the scope of the proposed development</p>
3.	<p>(a) The student accommodation and complex shall be operated and managed in accordance with the measures identified in the Student Accommodation Management plan submitted with the application.</p> <p>(b) Student housing units shall not be amalgamated or combined.</p> <p>(c) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of amenities of occupiers of the units and surrounding properties.</p>
4.	<p>Boundaries and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die are removed immediately and replaced in the 1<sup>st</sup> planting season thereafter. The landscaping shall be completed before any of the units are made available for occupation.</p> <p>Reason: In order to ensure the satisfactory development of the public open space area.</p>
5.	<p>(a) The communal open spaces, including hard and soft landscaping, access ways, communal refuse/bin storage, shall be maintained by a legally constituted management company.</p> <p>(b) Details of the management company contract shall be submitted to and agreed with the planning authority prior to commencement of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

7.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
9.	<p>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 management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
10.	<p>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.</p> <p>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.</p>

11.	<p>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.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Darragh Ryan  
Planning Inspector  
30/11/2023



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317441- 23
<b>Proposed Development Summary</b>	Merger of two residential houses, construction of an extension to provide a 13 unit student accommodation development.
<b>Development Address</b>	No. 7 & No. 9 Upper Newcastle Road, Galway.

**The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.**

	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located on a site with an established residential use. The site is zoned inner city residential. The proposed development is not exceptional in the context of existing environment.</p> <p>There is a proposal to demolish existing rear shed/garage on site. The C&amp; D waste can be managed through standard Waste management Planning. Localised construction impacts will be temporary.</p>	No
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is 0.078ha.</p>	No

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development is located Lough Corrib SAC 300m east of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	<p>No</p>
<p>• <b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

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

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