



An  
Bord  
Pleanála

## Inspector's Report ABP-320955-24

### Development

Permission for the demolition of three dwellings and the construction of a four-storey apartment building containing twenty-four residential units (10 x 1 bed units, 13 x 2 bed units and 1 x 3 bed unit and all associated site and external works including a revised site entrance, ancillary sheltered bin and bicycle stores and drainage connections.

### Location

47, 49 and 51 Old Dublin Road,  
Galway City

### Planning Authority

Galway City Council

### Planning Authority Reg. Ref.

2460244

### Applicant

Renaissance Property Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant planning permission

### Type of Appeal

Third Party(s) v Decision

### Appellant

1) Bernie Ruane

2) Peter Hynes

**Observer(s)**

Renmore Residents Association

**Date of Site Inspection**

6<sup>th</sup> day of March 2025

**Inspector**

Fergal Ó Bric

## **1.0 Site Location and Description**

- 1.1 The appeal site has a stated area of 0.267 Ha. and is located on the southern side of the Old Dublin Road, the R338 and is located approximately two and a half kilometres north-east of Galway City centre (Eyre Square).
- 1.2 The appeal site is broadly rectangular in shape and comprises a pair of semi-detached two storey dwellings and a detached single storey dwelling all of which face onto the R338. The dwellings on site are vacant and have been subject to some vandalism and anti-social behaviour. There are a number of outbuildings located in the rear garden spaces of the existing dwellings on site. The appeal site is bound by the Old Dublin Road to the north, opposite Flannery's Hotel, to the east are a pair of semi-detached two storey dwellings, and the former Dawn dairies opportunity site which is now vacant and reaches as far as the junction with the Ballyloughnane Road. To the west is a single storey gable ended dwelling which is located behind the building line of the dwellings within the appeal site. Lands to the rear (south) of the appeal site are zoned residential and are undeveloped and form part of the Dawn dairies site.
- 1.3 Site boundaries comprise a block boundary wall (with an approximate height of 1.8 metres) to the south backing onto the Dawn dairies site, a low wall approximately 0.9 metres in height along the northern boundary facing onto the R338, a low boundary wall approximately 0.9 metres along the eastern and western side site boundaries. The rear garden spaces of the residential properties on site are very overgrown with shrubs growing wild and not maintained. The appeal site is mainly hard surfaced (concrete and hard cored) with some grassed areas to the north and south of the properties, but again these are not being maintained, comprising the private amenity area associated with the dwellings on site. The topography of the site falls from north to south, away from the public road, the R338. Site levels vary from c. 20.75 metres OD Malin in the northern (front) section of the site at the proposed site access from the Dublin Road to c. 18.97 metres OD Malin in the south- eastern (rear) section of the site adjoining the Dawn dairies site.
- 1.4 There are two bus stops (along routes 402, 404 and 409) located proximate to the appeal site, one on the opposite side of the R338 outside of Flannerys Hotel approximately 25 metres from the appeal site serving people going out of Galway city and the other bus stop located approximately 60 metres east of the appeal site, on the

same side as the appeal site for people travelling to the city centre. There is a dedicated bus lane along the appeal site frontage allowing buses to travel freely to the city centre. There is a public footpath and street lighting along the appeal site road frontage leading towards Galway city.

## **2.0 Proposed Development**

2.1 The development as initially proposed comprised.

- Demolition of three dwellings and construction of a four-storey apartment building to comprise twenty-four residential units.
- The residential unit mix would comprise 10 x 1-bedroom apartments, 13 x 2-bedroom apartments and 1 three-bedroom apartment.
- All associated site and external works including a revised site entrance,
- Sheltered bin and bicycle stores
- Connections to drainage services.

2.2 The initial planning application was accompanied by the following reports/studies.

- Design Statement
- Engineering Services Reports.
- Irish Water correspondence
- Apartment Quality Assessment,
- Indicative Shadow Cast Study
- Photomontages
- Traffic Assessment Report
- Soil infiltration test report
- Soakaway capacity design calculation Report
- Public lighting preliminary design report
- Preliminary construction and demolition waste management plan

2.3 The Planning Authority carried out an Appropriate Assessment (AA) screening exercise and concluded 'Having regard to the nature and scale of the proposed

development, confined within an established residential neighbourhood located within a built-up urban area, with connections to existing services, and the absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites’.

2.4 The Planning Authority carried out a preliminary Environmental Impact Assessment (EIA) screening exercise and concluded ‘Having regard to the nature and scale of the proposed development, on an established residential site within a serviced urban area on a site area of 0.267 hectares and the absence of any significant environmental sensitivity in the vicinity of the site, 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’.

2.5 A right of way is included along the western site boundary and the applicants state that this right of way shall be maintained as part of the development proposals on site. The site layout plan submitted as part of the planning documentation illustrates the extent of the right of way.

### **3.0 Planning Authority Decision**

The Planning Authority issued a Notification of Decision to GRANT planning permission on the 9<sup>th</sup> day of September 2024 subject to 22 no. conditions. The following conditions are of particular relevance to this appeal.

Condition number 3-Surface water management

Condition number 4-Uisce Eireann service agreements

Condition number 6-Tenure agreement

Condition number 7-No short-term letting of the units is permitted.

Condition number 8: To liaise with the Dublin Road Bus Connects Project Team regarding traffic entering and exiting the site.

Condition no 9; To submit details of privacy screens along the sides of the rear elevation balconies on upper levels and on the rear elevation of the fourth-floor terrace.

Condition number 10-External finishes

Condition number 11-landscaping

Condition number 12-Construction and demolition waste management plan

Condition number 15-Maintenance and management of internal access roads and communal open space.

Condition number 16-No plant, ducting, water tanks, aerials, satellite dishes or other transmission equipment erected above roof level or on external walls within the development.

Condition number 17-Construction hours, construction worker parking, site deliveries and wheel washing facilities.

Condition number 18-Cra parking spaces dimensions and delineation.

Condition number 20-Social/affordable housing agreement

Condition number 21-Development contribution.

Condition number 22-Cash deposit/bond

### **3.1 Planning Authority Reports**

Planning Report

The report of the Planning Officer recommended a grant of permission consistent with the Notification of Decision which issued.

### **3.2 Other Technical Reports**

Environment Section (waste management)- No objections, subject to conditions.

Active Travel Unit- No objections, subject to conditions.

### **3.3 Prescribed Bodies**

None received.

### **3.4 Third Party Observations**

The report of the Planning Officer summarises the main issues raised in the third-party observations as follows:

- Significant adverse impact will arise upon the local environment, community, and character of the area.
- Previous proposals on the site for townhouse developments were more appropriate.
- The four-storey proposal is out of scale and proportion with the surrounding area and will disrupt the visual and social fabric of the area.
- The scale and density are with the established residential character of the area.
- The increase in height and mass will dominate the skyline and dwarf the existing buildings and alter the visual coherence in the area.
- The proposals will overshadow Flannery's hotel and Galwegian's rugby club, diminishing their prominence.
- The bulk, scale and height are out of character with the surrounding neighbourhood.
- The infill nature of the development should comply with the infill policy as set out within the current Development Plan.
- Lower scale development or a townhouse development would be more on keeping with the residential nature of the area.
- It is unclear from the plans submitted how the boundary with number 53 Old Dublin Road will be treated.
- The reduction in green space within the development will erode the low-density character currently enjoyed in this area.
- The proposals will generate additional traffic from the eighty-future residents, overwhelm the existing road infrastructure, lead to gridlock, and decrease privacy for neighbouring properties.
- The increased traffic will increase the likelihood of accidents, especially on match day within Galwegians rugby club, (located on the opposite side of the R338, north-west of the appeal site).
- A single exit from the development Planning submitted under planning reference 05/706 was refused planning permission on potential traffic conflict.

- Insufficient car parking proposed, no EV or disabled parking proposals.
- How will deliveries or visitors to the site be accommodated from a traffic perspective?
- Increased risk will arise for pedestrians using the footpath given the scale of the apartment complex.
- The four-storey building will reduce privacy natural light and diminish the quality of the living spaces of neighbouring properties.
- The adjacent properties and open spaces will be overshadowed by the development.
- Overlooking and overshadowing of number 53 Old Dublin Road will arise.
- The overshadowing assessment submitted does not adequately assess the impact upon number 53 Old Dublin Road nor assess the loss of light/sunlight into the habitable spaces within that property nor within the chalet unit within the rear garden space of that property.
- The proposals would adversely impact the effectiveness of Solar PV panels to be introduced within number 53 Old Dublin Road
- The rear balconies of the upper floor apartments will overlook neighboring properties.
- The development does not comply with the Building Beight Guidelines (December 2018).
- The height of the building in relation to the height and scale of neighbouring properties.
- A reduction in the height of the structure should be sought by the Planning Authority.
- The bicycle and bin structure extends beyond the building line of the neighbouring chalet structure. No details of the external finishes, sound proofing, insulation, vermin control or water ingress have been included for this structure.



- Existing roads and water services infrastructure are not designed to support this density of development.
- Has the local social infrastructure in schools, healthcare facilities and recreational spaces sufficient capacity to cater for the additional population.
- The proposals could result in a decrease in local property values.
- Surface water within the appeal site needs to be carefully managed.
- The proposals could adversely impact on the right of way along the western boundary of the appeal site.
- The demographic composition of the area would be adversely impacted, leading to a more transient population and a loss of a stable long-term community that defines Renmore.

#### 4.0 Planning History

##### Appeal Site:

Planning Authority Ref. 18/413- Planning permission granted by GCC for revisions to planning reference 16/308 comprising two additional terraced dwelling units on an enlarged site area, including revised landscaping, revised rear garden extents, additional car parking and communal open space, private open space, public lighting and ancillary site works.

Planning Authority Ref. 16/308- Planning permission granted by GCC for a two and two and a half storey residential terrace development, demolition of dwellings, connections to water services, consolidated new entrance, car parking, amenity space and ancillary site works.

Planning Authority Ref. 07/286 & ABP. Ref. PL61.228857 –Planning permission granted by GCC and overturned by the Board for a two and three-storey mixed use commercial development and apartment units, demolition of dwellings, connections to water services, new entrance, car parking and ancillary site works. The first reason for refusal related to the height, mass and poor-quality design, the limited separation

distances between the block of development proposed on site, would result in overlooking, overshadowing and overbearing impact and a poor level of residential amenity for future residents, over development of the site and seriously injure the amenities of the area and property in the vicinity. The second refusal reason related to that the additional traffic movements associated with the development would interfere with the safety and freeflow of traffic on the adjoining public road which contains a Quality Bus corridor and endanger public safety by reason of a traffic hazard.

Planning Authority. Ref. 05/706- Planning permission refused by GCC for a three-storey mixed use commercial development and sixteen apartment units, demolition of dwellings, connections to water services, new entrance, car parking and ancillary site works. The reasons for refusal related to deficit in quality and quantity of private open space, a shortfall in on-site car parking provision and over development of the site and being out of character with the Renmore area.

### **Lands in Vicinity**

#### **Lands to south and south-east**

Planning Authority. Ref. 06/294 – Demolition of existing buildings within the Dawn dairies site. The buildings remain on this site and have not been demolished to date.

ABP reference 310683-21-The site was confirmed by the Board as being vacant and subject to the vacant site levy as calculated by the planning authority under section 15 of the Urban Regeneration and Housing Act 2015, as amended,

#### **Lands to north**

ABP reference 321776-25-This relates to an application by GCC to the Board regarding the Dublin Road bus connects project which would provide for a frequent bus service from the Dublin Road to the city centre every 10-12 minutes. The Board are expected to make a decision on this in the Summer of 2025

## 5.0 Policy Context

### 5.1 Development Plan

5.1.1. The Galway City Development Plan (GCDP) 2023-2029 came into effect on the 4<sup>th</sup> day of January 2023 and is the relevant development plan.

5.1.2 The appeal site is zoned 'Residential' (R) under the Galway City Development Plan 2023 – 2029, with 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.'*

5.1.3. The appeal site is located within the 'Established Suburbs' (see Fig & Table 3.1 & also Fig 11.32 within the Galway City Development Plan 2023 – 2029).

5.1.4. The provisions of the Galway City Development Plan 2023-2029 relevant to this assessment are as follows:

Section 3.4 Sustainable Neighbourhoods concept – 'Within existing neighbourhoods, designated residential open spaces which have a high amenity value, and which are allied to existing residential developments will be protected for such use. Exceptions to allow for infill development will only be considered on underutilised lands which do not contribute positively to the urban structure and form and lack community value. Such infill development will only be considered where it contributes to placemaking and community, improves the quality of the neighbourhood and can enhance the built environment with better informal supervision of the public realm'

'Application of density standards will be balanced with general criteria such as standards of layout and design, architectural quality and provision of open space. In the established neighbourhoods, residential densities will be required to be balanced with protection of existing residential amenity and character of these areas'

- Policy 3.3 - Sustainable Neighbourhood Concept-Encourage higher residential densities at appropriate locations as guided by the Galway Urban Density and Building Height Study (2021). Such locations include strategic Regeneration and Opportunity Sites, and residential and mixed-use zoned sites located close to public

transport routes and routes identified in the Galway Transport Strategy as suitable for high frequency, public transport services.

### Section 3.6-Sustainable Neighbourhood-established suburbs

#### - Policy 3.5 - Sustainable Neighbourhoods: Established Suburbs

‘Facilitate consolidation of existing residential development and densification where appropriate while ensuring 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 and deliver population targets’

Infill development will be required to have regard to the existing pattern of development, plots, blocks, streets and spaces and should not be of such a scale that represents a major addition to, or redevelopment of, the existing urban fabric. The protection of existing residential amenity and character is a priority but must be balanced with opportunities for sustainable high-quality regeneration and high-quality regeneration and appropriately scaled infill.

Density:

The Development Plan shall:

- Facilitate consolidation of existing residential development and densification where appropriate within the outer suburbs to deliver on population targets m, while ensuring the reasonable protection of residential amenities.
- Ensure that sustainable neighbourhoods are places where housing, streets, open spaces and local facilities come together in a coherent, integrated and attractive form with appropriate community infrastructure delivered in tandem with new growth,
- Require the integration of biodiversity measures, green infrastructure and energy efficiency in the design and layout of residential development,
- Encourage a mix of housing types and sizes within residential developments,
- Encourage the use of homezones within residential developments,

- Require residential developments of over ten units to provide recreational facilities as an integral part of the proposed open space,
- Ensure that the design and layout have regard to adjoining developments,
- Encourage the protection of universal design principles and lifetime adaptability in the design and layout of residential development,
- Promote the use of appropriate placenames for new residential development in support of recognition of Galway city as a bilingual city.

- Policy 8.7 - Urban Design and Placemaking

- Encourage high quality urban design in all developments.
- Promote the reuse and adaptation of derelict and vacant buildings.

Chapter 11, Part B includes development standards and guidelines, the following are of relevance to this assessment:

- 11.3.1 (c) Amenity Open Space Provision in Residential Developments
- 11.3.1 (d) Overlooking
- 11.3.1 (e) Daylight
- 11.3.1 (f) Distances between dwellings for new residential development
- 11.3.1 (g) Car Parking Standards (Outer Suburbs)
- 11.3.1 (h) Cycle Parking Standards
- 11.3.1 (i) Refuse Storage Standards.

## 5.2 National Policy

National Planning Framework 'Project Ireland 2040'

The NPF sets out a targeted pattern of growth for Galway City and Suburbs to 2040 of between 40,000 - 45,000 people. Relevant Policy Objectives include:

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

- **National Policy Objective 3a:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- **National Policy Objective 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.
- **National Policy Objective 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.
- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **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.

### 5.3. Ministerial Guidelines

5.3.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Design Manual for Urban Roads and Streets (2019).

- Urban Density and Building Heights Study for Galway, (2021).
- Urban Development and Building Height Guidelines, Guidelines for Planning Authorities (2018).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities, 2010.

#### **5.4 Natural Heritage Designations**

- Lough Corrib SAC (Site Code: 000297), is located approximately 2.43 kilometres west of the appeal site.
- Lough Corrib SPA (Site Code: 004042), is located approximately 2.21 kilometres west of the appeal site
- Galway Bay Complex pNHA (Site Code: 000268), c. 0.74 kilometres south of the appeal site.
- Galway Bay Complex SAC (Site Code: 000268), c. 0.74 kilometres south of the appeal site.
- Inner Galway Bay SPA (Site Code: 004031), c. 0.93 kilometres south of the appeal site.

#### **5.5 EIA Screening**

(See Form 1 and Form 2 attached). Having regard to the limited nature and scale of development on an underutilised brownfield site and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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**

Two third party appeals from residents who reside adjacent to the appeal site have been received. There are a number of common issues raised within the appeal

submissions and a number of standalone issues also raised. The issues raised in the appeals can be summarised as follows:

Principle of Development:

- The proposal contravenes the residential zoning of the site as it does not protect the residential amenities of adjacent residents.

Density, Design and layout:

- The scale and height of the proposed four storey building is excessive and out of character with the established low-rise form of development in this area.
- The development if permitted, would be visually incongruous and represent a highly discordant feature in this streetscape,
- The proposals represent an over development of the site and has no design reference with existing established adjacent development.
- The separation distances as sought by the applicant from the upper floor balcony areas are below what is required under the Galway City Development Plan 2023-2029 (DM standard Section 11.3.1.(d)).
- The external finishes within the bin and bicycle storage building are not clear from the documentation submitted.

Residential Amenity

- That the residential amenities of adjacent residents would be adversely impacted by the proximity of the bicycle shelter to the boundaries of the neighbouring residential property and that would adversely impact then by virtue of the noise that would be generated from access to the shelter late at night.
- That adverse overlooking would occur from the balcony areas within the proposed upper-level apartments.
- That overshadowing the neighbouring private amenity spaces in early and mid-morning could occur and adversely impact their residential amenities and depreciate their property value.



- Proposals to use obscure glass in the side elevation windows which were alluded to in the Planning Report will cause direct overlooking of neighboring properties and adversely impact their residential amenities and depreciate their property value. The use of obscure glass in the western elevation fenestration details would conflict with best practice design guidance as set out in the residential development guidelines and would not result in the creation of appropriate residential amenities for future residents within those apartment units.
- The balconies on the front and rear elevations would directly overlook neighboring residential properties.
- The development will cause all year-round shadowing within neighbouring properties.

Traffic, parking and pedestrian provision:

- Insufficient car parking to serve the proposed development is provided for within the layout.
- The shortfall in car parking provision could result in future residents parking on the roadside footpath. Parking on the footpath would force pedestrians, impaired people, or those with buggies to walk on the busy bus lane.
- There is no provision for electric vehicle charging or disabled parking on site.
- A mobility management plan has not been submitted as part of the planning documentation.
- No provision for car parking for construction workers has been provided.
- The management of deliveries/waste collection to/from the site during construction is not provided for.
- No consideration of the impact upon traffic flow along Dublin Road has been provided.
- The Galwegians rugby club grounds act as an informal car park for the third level ATU campus, located north-east (and opposite) the appeal site.

- The construction and operation of the development will contribute to traffic chaos along Dublin Road.

#### Site Servicing:

- No details of how surface water will be managed on site have been submitted

#### Other Issues:

- Questions of the validity of the planning decision as the appellant had only a short time to make his appeal submission. The permission was granted two weeks early without having received all of the requested reports from within the Local Authority.
- The early grant of permission, followed notice being sent to the observers at a late stage could have resulted in the appeal deadline being expired.
- That the applicants have failed to duly consider the right of way across the appeal site within their development proposals.
- The maps submitted as part of the planning documentation, which illustrate an incursion into the rear garden space of number 45 Old Dublin Road) are not reflective of the property owned by the applicant. Property deed maps should be sought showing the extent of property owned by the applicants.
- The photographic images submitted to GCC fail to illustrate the eastern gable windows from the dwelling at number 45 Old Dublin Road.
- The proposals provide for the construction of a walled boundary and landscaping on the right way. Will access be denied to the third-party appellants during construction?
- The developer proposes to use some of the right of way as public open space to serve the development.
- The demolition plan is inadequate and inaccurate, the dwelling at number 47 Old Dublin Road adjoins number 45 by means of a pedestrian side gate between the two properties.
- There is asbestos material within the appeal site.

- No structural engineers report has been submitted outlining any potential impact upon the neighboring dwellings arising from the demolition of the three dwellings on site. The structural integrity of number 45 is at risk.
- No report from the Fire Officer within GCC has been submitted.
- The planning application is incomplete without input from the Fire Officer.
- No fire safety, health and safety of fire assembly details have been submitted.

## 6.2 Planning Authority Response

None received.

## 6.3 First party response to the third-party appeal submissions

The applicants issued a response to the issues raised within the third-party appeal submissions. The issues raised relate to the following matters:

Principle of Development:

- The design has been informed by national and local planning policy as well as Section 28 Ministerial guidance.
- There are several different property uses in the vicinity of the appeal site including shops, hotels, hospitals, dentists, guest houses, a veterinary practice, a Garda headquarters, third level institution and residential uses.

Other Issues:

- Eight of the nine submissions received by the PA were received from residents within the properties adjoining the appeal site and the other from a local resident's association.
- A preliminary construction and demolition waste management plan was submitted as part of the planning documentation and will be updated in advance of construction works commencing on site.
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- Any asbestos removal will be completed by a suitably qualified asbestos removal company in accordance with a method statement and records of this process will be maintained on file by the developers.
- In terms of potential for structural impacts, pre-condition surveys will be conducted in advance of demolition works commencing, and specific attention

will be given to any immediate interaction with existing structures to ensure no damage or disturbance to neighbouring properties arises.

- The applicants state that they will liaise with the neighbouring property owners through the course of the development.
- A fire safety certificate (FSC) will be sought prior to works commencing on site from the Fire Department within GCC and any recommendations from the Fire officer will be implemented during the construction.
- A Disability Access Certificate (DAC) will be sought prior to works commencing on site from GCC.
- In accordance with condition 12 (a) of the Planning decision, a construction and demolition waste management plan will be submitted to GCC prior to works commencing on site.
- The right of way is not a planning matter and will be dealt with by agreement with the relevant property owners.
- No encroachment on neighbouring lands will occur and proof of ownership can be provided and will be dealt with by agreement with the relevant property owners.
- The buildings will not be made available for 'short term lets' and this issue is addressed by condition number seven within the decision by the PA.
- The applicants are the owners of the appeal site and, therefore, no third-party consent is required.
- The finishes of the bin/bicycle store are a matter that can be discussed with the neighbouring property owners and should not impact the planning decision.
- The issue of boundary treatment can be discussed with the neighbouring property owners.
- The issue of property values being decreased in the area is a speculative one. Typically, property values would increase in areas where a derelict building is replaced by modern developments.
- The applicants request the Board to uphold the decision of the Planning Authority and grant permission for the development.

### Design and Layout:

- A design statement was prepared and submitted by Consultant Architects and included a site analysis, design criteria, a policy and planning context.
- The appellants have included photographic images/montages of one and two storey residential units in the area., indicating these as being the predominant feature of the area.
- Images of taller buildings in this area, three, four and five storey residential, educational, civic, institutional and commercial buildings have been submitted by the applicants.
- The building height is not excessive and accords with current guidelines for new buildings in urban areas.
- Flannerys hotel, directly opposite the appeal site is four storeys tall.
- The design has been aligned to minimise any adverse impact upon neighbouring properties, by respecting the building line of the neighbouring properties, east and west of the appeal site, and setting the building back from the western side boundary by a distance 3.68 metres at its nearest point.

### Density:

- The density proposed at 89.9 residential units per hectare is in accordance with the guidance set out within the Compact Settlement Guidelines 2024,

specifically Table 3.2 regarding densities in City urban neighbourhoods, which provides for a density range of between 50 and 200 units per hectare

### Residential Amenity

- Shadow analyses were submitted as part of the planning documentation of the shadowing currently experienced and shadowing arising from the proposed development in March, June, September and December.
- The shadow analysis establishes that the proposed building would not result in any greater overshadowing of the neighbouring residential properties than they currently experience/
- In terms of overlooking, the front elevation faces onto the public Road, the R338) and no overlooking will arise from this elevation. The glazing in the windows within the side (eastern and western) elevations will be opaque to overcome the possibility of overlooking of neighbouring properties.
- The Planning Authority have conditioned in that 1.8-metre-tall privacy screens are to be provided by the developer along the perimeter of the upper-level balconies.
- The flat roof section on the third floor to the sides and rear is not identified as balcony space and will not be accessible to future residents and therefore, no overlooking would arise from these spaces.
- There is a separation distance of between 14.73 metres and in excess of 17 metres from the rear building line to the rear (southern) site boundary which will allow for the achievement of the 22-metre separation when the dawn dairies site to the rear would be developed into the future.
- In terms of overlooking of the of numbers 45, 53 and 55 Old Dublin Road, at an acute angle from the rear balconies, the line of sight may catch the rear (southern) portion of the adjoining private rear garden spaces. However, this is not a natural line of sight and would only be possible by desire, and the loss of amenity that would arise would be 'minimal'.
- No evidence has been produced that the daylight into the neighbouring properties, including the adjoining chalet will be adversely impacted. The separation distance between the proposed building and adjoining property is

such and the trajectory of existing windows would suggest little or no impact on the amount of light achieved.

#### Site Context:

- The proposals are appropriate in this area and would have a positive impact by replacing derelict properties with a new modern building.
- The proposals will bring a new generation of people into the area and afford locals an opportunity to remain in an area where they were born and reared.
- The site is located in a prominent location in proximity to two hospitals and a university.

#### Access, traffic and car parking

- The appeal site is located along the Dublin Road. As per the Dublin Road Bus Connects project as published on the National Transport Authority (NTA) website, the Dublin Road will have twenty-minute bus frequency to/from the city centre. There will be a 10–15-minute bus frequency along the R338



Dublin Road with bus stops in/out of the site within sixty metres east and north-east of the appeal site.

- The local and government policy is seeking a reduction in car use and increased use of active travel, including walking, cycling and public transport in urban areas.
- Under Bus connects, the appeal site adjoins a designated bus corridor with high frequency routes, and the creation of a two-metre footpath and separate two metre cycleway linking the appeal site to the city.
- The number of access/egress points from the site will be reduced from three to one
- The Active travel unit within GCC outlined no objections to the proposals and specifically noted the reduction in the number of egress points.
- At design stage, it was decided to minimise the on-site car parking provision, given the urban location and the availability of high frequency public transport.
- This accords with government policy on car parking for new developments in urban areas and accords with Sections 4.20-4.22 inclusive within the Sustainable Urban design Apartment Guidelines.
- There are two bus stops within twenty metres of the appeal site giving future residents easy access to a high frequency public transport system.
- A revised car parking layout has been drafted providing for a designated disabled parking bay and an EV charging bay within the proposals (Figure three in response to third part appeal submission)
- The parking of cars within the Galwegians rugby club grounds is not something the applicants have control over.
- In terms of construction hours, construction workers parking and construction deliveries to the site, compliance with condition number 17 will ensure that these issues are addressed. The developers will make arrangements for

parking for construction workers and that construction materials are delivered to the site during off-peak periods.

#### Site Services

- Surface water will be managed on site and will not be allowed to run off onto the public road nor neighbouring properties.
- A new surface water drainage system will be installed on site.
- A surface water drainage drawing prepared by Consultant Engineers has been submitted, showing the following details, soakpit design, petrol interceptor, piped network route, manholes and gullies for the development, Results of a soil infiltration test conducted on site have also been submitted.

#### 6.4 Observations

One received from a local resident's association. Many issues raised within the observation were also raised within the two third party appeal submissions and therefore will not be repeated. However, a number of separate issues were also raised in the observation. The issues raised in the observation can be summarised as follows:

- The existing development in this area comprises detached, semi-detached and single storey dwellings in the mature area of Renmore.
- The height scale and bulk of the development would result in close proximity to neighbouring houses would result in overlooking of these properties.
- The development would be out of character in this area and adversely impact the streetscape along the Dublin Road.
- Privacy in neighbouring residential properties would be adversely impacted upon by reason of overlooking.
- Adequate provision has not been afforded to safety of pedestrians, cyclists and bus lanes in this extremely heavily trafficked area.
- The proposals would create a traffic hazard in respect of the Galway city bus connects corridor, already permitted and due for construction along this route.
- The height and bulk of the proposals would be out of character in this area and would devalue property in the area.

- Car parking provision is inadequate, and future residents would end up parking their cars in other areas.
- Previous proposals on this site have been refused planning permission and in the interim, traffic congestion has increased considerably.
- We request that the Board refuse planning permission as the proposals do not represent a sustainable planning in this mature low-density neighbourhood of Renmore.

## 7.0 **Assessment**

7.1 The main issues are those raised within the grounds of the third party appeals and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Density, Design and Layout
- Access and traffic.
- Other Issues.
- Appropriate Assessment

## 7.2 **Principle of Development**

7.2.1 Within the National Planning Framework (NPF) Galway is identified as being an important economic driver of national growth and as being a key regional centre within the northern and western region. Urban infill development is specifically referenced in the NPF, Section 4.5. The NPF targets a significant proportion of future urban development within urban infill/brownfield sites within the built footprint of existing urban areas. The Regional Spatial and Economic Strategy (RSES) for the northern and western region has identified the preparation of a Metropolitan Area Strategic Plan (MASP) for Galway city and its surrounds. Section 3.6.3 of the RSES sets out the following 'Galway metropolitan area has considerable land capacity that can significantly contribute to meeting the housing demands based on population targets set out within the NPF and the RSES. The targets set out within the RSES are that the population within the MASP area is anticipated to grow by 27,500

persons to the year 2026 and by a further 14,500 persons to the year 2031 and the population growth within the city and suburbs is expected to grow by 23,000 persons by 2026 and 12,000 persons to 2031. It is anticipated that 50% of all new homes are to be delivered within the existing built-up footprint and 40% of these on infill/brownfield sites (RPO 3.6.2).

7.2.2 Section 3.5 of the City Development Plan (CDP) is entitled Sustainable Neighbourhoods-Established Suburbs. The Renmore residential area is specifically referenced as part of the eastern established suburbs. Section 1.4.6 of the CDP sets out housing targets as part of the Core strategy. These population targets are consistent with the targets as identified above in Section 7.2.1 for the MASP area as set out within the RSES. Policy 1.4 sets out the following in relation to brownfield sites 'Support the compact growth of the city by promoting development on designated regeneration and opportunity sites, by the redevelopment of brownfield and underutilised sites and through encouraging the reuse and adaptation of the existing building stock'. Therefore, I consider that the current proposals for the redevelopment of a vacant and brownfield infill site, within an identified 'Strategic Growth Area' of Renmore would be acceptable in principle, having regard to the established residential character of the area. Therefore, I consider that the current proposals would be consistent with the sequential approach to residential development as recommended within the Sustainable Residential Development and Compact Settlement Guidelines 2024.

7.2.3 I acknowledge the context of the appeal site. The appeal site is located approximately two and a half kilometres east of Eyre Square and is located along a bus route linking the appeal site to/from the city centre. The Dublin Road also forms part of the current Bus Connects network proposals for the Galway suburbs (as per the NTA website) which will provide a bus service every ten-twelve minutes between the Dublin Road to/from Galway City centre along designated bus routes 402, 404 and 409 linking the appeal site with the city centre and the suburbs of Merlin, Oranmore, Newcastle, Westside, Parkmore, Mervue, Roscarn, Doughiska and Briar Hill. A 10–15-minute bus frequency from the Dublin Road to the city centre is proposed under the bus connects project. Two bus stops are located within sixty metres of the appeal site, one linking the appeal site to the city centre and the other going out of the city in an easterly direction towards Oranmore. Presently the current

bus frequency between the appeal site and the city centre varies from 15 minutes along route 409 to 30 minutes along routes 402 and 404.

7.2.4 I consider from a sequential perspective, the appeal site would be suitable for development, given its residential zoning status and given its location on a high frequency bus corridor and the proximity to other residential and commercial development of scale and three, four and five storey height in the vicinity of the appeal site (including Flannery's four storey hotel directly opposite the appeal site) and other taller buildings further east of the appeal site towards the Skerrit roundabout, including the Atlantic Technological University and the National Garda Bureau of investigation office, the Bon Secours hospital and a mixed use five storey commercial and residential building west of the appeal site all located along the Dublin Road. The applicants submitted photographic images of these buildings of scale and height as part of their response to the third-party appeal submissions. The current City Development Plan provides for development of the site given its zoning and, therefore, is not constrained by Core Strategy provisions.

7.2.5 The current proposals, located on an underutilised brownfield infill site on residentially zoned and serviced lands, would provide for additional housing units, as provided for within the Core Strategy. Therefore, I consider, the current proposals would be appropriate in principle and would be consistent with the provisions of the Core and Settlement Strategies within the current City Development Plan.

7.2.6 In conclusion, Section 3.5 of the CDP 2023 sets out locations suitable for residential development in urban areas. The appeal site, located within the sustainable Neighbourhoods-Established Suburbs and within the Strategic Growth area of Renmore on residentially zoned lands that are serviced and would be consistent with the Core and Settlement Strategies as set out in the current City Development Plan 2023-2029.

### 7.3 **Density, Design and layout**

#### Density:

7.3.1 I note that the appeal submissions/observation received from the neighbouring residents contend that the density of the proposal is excessive and unreasonable. In relation to the appropriateness of the density of the proposal, the report of the Planning

Officer references The Sustainable Residential Development and Compact Settlements, Guidelines (SRDCSG) for Planning Authorities (2024) in terms of developing more sustainable and compact settlements and targeting at least 50% of new housing growth in the five cities, one of which is Galway. The Planning Authority contend that the density of the proposal, at 89.9 dpha is appropriate in this context. I note that the updated Apartment Guidelines (issued July 2023) provides similar guidance to that offered within the (SRDCSG) in respect of density at 'Intermediate Urban Locations'.

7.3.2 The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) provides guidance in respect of the density of residential development at different locations/scales. Table 3.2 (Area and Density Ranges Limerick, Galway and Waterford City and Suburbs) provides three density ranges. In my opinion, the 'City – Urban Neighbourhoods' range is the most relevant typology to the appeal site. This typology is described as including: (i) the compact medium density residential neighbourhoods around the city centre that have evolved over time to include a greater range of land uses, (ii) strategic and sustainable development locations; and (iii) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) all in the city and suburbs area. The appeal site is located along the Dublin Road route with a service frequency of 15-30 minutes. The appeal site is located along the Bus Connects route proposal with a service frequency of every 10-15 minutes to/from the city centre. There is presently a bus every 15-30 minutes connecting the two bus stops in proximity to the site, which are located approximately within 60 metres further east and north-east south of the appeal site, along the Dublin Road.

7.3.3 In the context of accessibility, I note that Table 3.8 within the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) refers to locations within 500 metres walking distance of an existing or planned Bus Connects 'Core Bus Corridor' stop. I note that the appeal site is comfortably within this range, with the existence of two bus stops (one for outgoing buses and one for inbound buses) located further east and north-east along the Dublin Road, adjacent to the junction with the Ballyloughnane Road. Under the 'City – Urban Neighbourhoods' level 'it is a policy and objective of these Guidelines that residential densities in the range

50 dph to 200 dph (net) shall generally be applied in urban neighbourhoods of Limerick, Galway and Waterford'. The Guidelines also require consideration of the character, amenity and natural environment when considering density. In this regard, I note that the appeal site is located in an area where there is an emerging pattern of higher density development, most notably to the north (on the opposite side of the Dublin Road) where Flannerys hotel with a building height of four storeys exist, the ATU university at three storeys and the Garda Western Region Immigration Bureau Headquarters with a height of 4 storeys located further east of the appeal site have been constructed. I also note that the appeal site is not sensitive from an ecological perspective.

7.3.4 SPPR 4 (1) of the Urban Development and Building Heights: Guidelines for Planning Authorities (December 2018) provides that '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 - 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. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) have replaced the Sustainable Residential Development in Urban Areas (2007) Guidelines and in this regard, I consider that the density ranges set out in Table 3.2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) is, therefore, the appropriate guidance in this instance.

7.3.5 The developable area of the site is stated as 0.267 Ha. and on the basis of a proposal for 24 no. units (i.e. the resultant density is c. 89.9 dpha. In my opinion the appeal site is analogous with the 'City – Urban Neighbourhoods' range as set out at Table 3.2 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). I consider that a density of 89.9 dpha is acceptable at this location, on a brownfield serviced site served by a high frequency bus corridor, proposed to be upgraded to a higher frequency bus corridor (subject to planning, 321776-25 refers) which would include separate two metre footpaths and cycleways

which will improving the extent of connectivity and permeability between the appeal site and the city centre and broaden the scope of active travel possibilities in this area.

#### 7.3.6 Residential Amenity:

The appeal submissions by the two neighbouring residents of the neighbouring residential properties contend that their amenities would be adversely impacted upon by reason of overshadowing and/or overlooking. The applicants contend that the proposed development would not affect the residential amenities of the adjacent residential properties. The appellants contend that potential impacts on the residential amenity of neighbouring properties along the Dublin Road would arise as a result of overlooking from above ground windows and terraces/balconies on upper floors, overshadowing and overbearance. I will address each in turn.

#### Overlooking:

SPPR 1 within the SRD&CSG's sets out that 'when considering a planning application for residential development, separation distances of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. The proposed building as submitted to the Planning Authority (Drawing number P-002)-Site layout Plan demarcates the separation distance from the south facing balconies within the apartment block to the rear (southern) site boundary comprises distance from 14.75 metres to 17.085 metres, which would allow for the minimum of 22 metres separation distance to be achieved from future development within the Dawn Dairies site to the rear (south) which, identified as an opportunity site within the current Development Plan. and, therefore, exceeds the standards as set out within SPPR1. Having regard to the separation distances concerned, and the design measures incorporated, specifically the use of opaque glazing for the private balcony/terrace areas serving the apartments, I am satisfied that the proposed development (as submitted to the Planning Authority would not result in significant overlooking of the neighbouring dwellings along the Dublin Road, or their rear garden amenity spaces. Additionally, I consider that the proposed development accords with the requirements of Section 11.3.1 (d) of the Galway City Development Plan 2023-2029 in respect of overlooking.



I note that the balcony areas at upper floor levels within the apartment block would face towards the Dawn dairies site. Many of the upper floor balconies are also internalised within the apartment units, again reducing the opportunity for overlooking. The use of opaque glazed screens around the perimeter of balcony areas and within the gable (side) elevations of the apartment block would obviate the opportunity to directly overlook the neighbouring residential properties. I refer to Section 5.3.4 of the BRE guidance document 'Site layout planning for daylight and sunlight: a guide to good practice' (BR209) in terms of the quality of light within habitable rooms fitted with frosted glass and this guidance sets out the following 'Frosted glass often has an overall transmittance similar to, or slightly less than, clear glass'. The applicants are proposing to use opaque glazing within the habitable rooms facing onto the eastern and western (side) gables. Therefore, I am satisfied that the kitchen living dining areas along the upper floor levels along the eastern gable which will be fitted with opaque glazing units and which also benefit from either a north or south facing clear glass window units will afford adequate amenity to future residents. Similarly, the bedrooms along the western (side) gable at upper floor levels will also be fitted with opaque glazing units and one either north or south facing clear glass window. I am satisfied that these habitable spaces will be afforded adequate amenity to future residents as per the BRE guidance and respect the amenity of neighbouring residents. There is a separation distance of 6.5 metres between the apartment building and eastern site boundary and a 3.85 metre separation distance to the western site boundary.

The building heights along the Dublin Road vary from single storey to two storey and up to three, four and five storeys, as set out within the photographic images that accompanied the applicant's response to the appeal submissions. Therefore, I consider that each proposal must be assessed on its individual planning merits including the design quality, and having regard to national and local planning policy, national guidelines and also having regard to the amenity of the neighbouring properties.

#### Overshadowing:

The applicants submitted a daylight shadow analysis as part of their planning documentation. This analysis sets out that no adverse overshadowing of the adjacent

residential properties would arise as a result of the proposed development, as the development is designed on an east-west axis.

The layout of the scheme whereby the block is positioned along a west to east orientation and parallel with the Dublin Road and providing strong definition onto the public road similar to that provided by the four storey Flannery's hotel building on the opposite side of the Dublin Road and that provided further east by the Garda National Immigration bureau building and the Atlantic Technological University buildings. The fourth storey of the apartment building would assist in addressing the issue of overshadowing and/or adverse impact on neighbouring properties in terms of daylight. This is acknowledged within the Planners Report the following is set out 'This section of the old Dublin Road is an area in transition, currently dedicated to one-off houses which represents an inefficient use of serviced and zoned lands which contrasts with the provisions of the Galway city Urban density and Building Height Study and with the SRD&CSG's, which provide for increased density, scale and critical mass along major distributor roads and public transport services/infrastructure'. The development is orientated along an east to west orientation and parallel with the Dublin Road. In this instance, the orientation and the position of the roadways and open spaces all prevent any overshadowing of adjacent properties. In summation, I consider the proposed development to be acceptable in terms of overshadowing.

#### Overbearance:

As noted above, the apartment building as submitted to the Planning Authority are located set back from the site boundaries (as detailed within the overlooking section of this report above) from the neighbouring residential development. Having regard to the considered design of the proposed apartment building, its height and the separation distance to the neighbouring dwellings along the Dublin Road, I am satisfied that the proposed development would not result in significant overbearance of neighbouring dwellings.

- 7.3.7 In conclusion, I am satisfied that the proposed apartment building complies and exceeds in many instances minimum floor areas for apartment types, bedrooms floor areas/widths are achieved as are floor areas for bedrooms and kitchen/living/dining room areas as are provision for storage areas within apartments, providing for dual

aspect and a range of apartment sizes and typologies and all in compliance with The Sustainable urban housing standards for New apartments -Guidelines for Planning Authorities 2022.

#### **7.4 Access and Traffic**

7.4.1 The third-party appellants raised issues in relation to traffic safety during the construction phase of the proposed development but also during the operational phase of the development. The applicants submitted a Traffic Report (TR) as part of their planning documentation.

7.4.2 I note that the appeal site along the Dublin Road is located within the 50 kilometre per hour speed control zone. The Traffic Assessment Report submitted by the applicants' Consultant Engineers carried out an assessment of traffic that would be generated by the proposal, notwithstanding that the development would technically be sub-threshold in terms of the requirement to carry out a TA as per the guidance set out within Table 1.4 of the Traffic Management Guidelines 2003, published jointly by the Department of Transport, Department of Environment Heritage and Local Government and the Dublin Transportation Office. The TA noted that the appeal site is located along a high frequency bus corridor linking the appeal site with the city centre and the outer city suburbs. The applicants used the TRICS database to estimate the traffic generated by the proposed development and this concluded that the level of daily or peak trips that the development would generate would be 'unlikely to have any material traffic impact on the operational capacity of the Old Dublin Road'. The TA has also set out how the proposal demonstrate compliance with the Design Manual for Urban Roads and streets document (DMURS 2019) with a strong emphasis on pedestrians, cyclists and access to public transport. The TA also included a recommendation that a Mobility Management Plan (MMP) be submitted by the developers in advance of construction commencing on site and this matter be addressed by means of a planning condition. I also consider that the traffic disruption that would arise during the construction phase would be over a relatively short period of time, given the relatively modest scale of development proposed.

7.4.3 As per Table 4.2 of the Design Manual for Urban Roads and Streets (DMURS) Guidance, 2013 (as updated in 2019) sightlines of 45 metres are required for access

points where the 50 km/h speed control zone applies from a 2.4 metre set back from the edge of the carriageway. I am satisfied that adequate sightlines would be achievable in accordance with the DMURS standards. These are matters that can be addressed by means of an appropriate planning condition, if the Board deem appropriate.

7.4.4 The appellants raised issues specifically in relation to the potential for adverse impact arising from the construction traffic/parking that the development would generate. I acknowledge that there would be increased HGV movement along the Letteragh Road area during the construction phase. I note the comments from the Active Travel Unit within GCC who outlined no objections to the proposals from a traffic perspective, subject to a number of conditions. I consider that there is adequate capacity within the adjacent road network and junctions to cater for the construction and operational phases of the development. The development would be subject to best practice traffic management practices especially during the construction phase which would include the erection of warning signage in the vicinity of the appeal site and that construction works would be conducted during normal construction hours, these are matters that would be agreed as part of a Construction and Environmental Management Plan (CEMP), which would be agreed in writing with the PA prior to the commencement of development. The conditioning of a construction environmental and traffic plan is something that can be included, if the Board are minded to granting planning permission.

7.4.5 The appellants also raised issues about the extent of car parking dedicated to the residential scheme. A total of 10 dedicated on site spaces were set out as part of their response to issues raised within the third-party appeal submissions. These include a dedicated disabled parking space and a dedicated electric vehicle charging space to serve the 26 apartment units. This would be fourteen spaces short of the City Development Plan car parking standards as set out within Section 11.3.1 (g). However, given the location of the proposals within the outer suburbs, within 60 metres of two bus high frequency stops to/from the city centre and the proposals to provide covered bicycle storage shelters providing capacity for the storage of 38 bicycles on site and the footpath connectivity to the town centre from the Dublin road, I consider the car parking provision proposed to be acceptable in this instance. I also note the proposals to upgrade the bus frequency and to provide wider and improved

footpaths and cycleways from the Dublin Road to the city centre will also encourage more use of active travel patterns by future residents. The Active Travel within GCC did not raise any objections to the car parking provision on site

- 7.4.6 In conclusion, I am satisfied that the scale of the development would not result in excessive traffic levels being generated and that the proposals are designed in accordance with the Design Manual for Urban Roads and Streets standards (DMURS) best practice standards. Therefore, I am satisfied that the safety of pedestrians and drivers is optimised in accordance with best practice as promoted by TII and Galway City Council within Section 4.4 of the City Development Plan in relation to sustainable mobility which encourages measures that make a positive contribution towards the improvement of pedestrian connectivity.

## **7.5 Other Matters**

- 7.5.1 The appellants have raised issue of devaluation of their property that would arise as a result of the development proposals. The appellants have failed to submit any documentary evidence to substantiate this claim. In the absence of such documentary evidence, I am not satisfied that this claim can be substantiated and therefore, I do not consider it appropriate to assess this issue any further within this report.
- 7.5.2 Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. I note that one of the appellants has referenced that a right of way (ROW) will be impacted by the development. I note that the ROW is demarcated within the Site layout plan (drawing number P-002). I also note that the Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the alterations to the commercial building as proposed.
- 7.5.3 The Planning Authority included a number of planning conditions, specifically number 3 in relation to surface water management within the site and the

preparation of a Construction and demolition waste management Plan (condition number 12) in response to some of the issues raised by the appellants/observers.

- 7.5.4 I note the matters raised in relation to the disposal of asbestos. Asbestos is, however, a notifiable substance and is therefore the subject of a separate legal code.

## **8.0 Appropriate Assessment**

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.43 kilometres east of the Lough Corrib Special Area of Conservation (SAC-site code 000297 and approximately 2.21 kilometres east of the Lough Corrib Special Protection Area (SPA-site code 004042) and approximately 0.74 kilometres east of the Galway Bay Complex SAC (site code 000268) and approximately 0.93 kilometres east the Inner Galway Bay SPA (site code 004031). The development description was set out within Section 2 of the report above. Neither of the appellants referenced the potential for adverse impacts to arise upon Natura 2000 sites. The PA conducted an AA screening exercise, referenced in Section 2.3 of this report above.
- 8.2 The applicants did not submit an AA screening report as part of their planning documentation. I consider that the appeal site is not hydrologically/ecologically connected to any of the European sites, located west of the appeal site. There were no drainage ditches evident within the confines of the appeal site nor along its boundaries. Therefore, I am satisfied that there is no apparent surface water hydrological link between the appeal site and any European site.
- 8.3 I am satisfied that once the proposed development is constructed in accordance with best practice standards and in accordance with a construction traffic and environmental plan (to be conditioned) and given that the site is connected to the public piped water services that no adverse impacts on water quality, or the qualifying interests or conservation objectives of the European sites referenced in Section 8.1 above, would arise.

- 8.4 I am satisfied that with the implementation of the standard control construction measures including those of surface water management in the form of SuDS measures and the installation of a hydrocarbon interceptor will not result in the residential development adversely impacting upon surface nor groundwater quality in this area. I consider that even in the unlikely event that standard control measures should fail, an indirect hydrological link (via the Maam Clonbur groundwater body) represents a weak ecological connection. I consider this to be the case given the separation distance to the nearest European sites and the nature of the built-up urban environment between the appeal site and the nearest European sites, the absence of suitable habitat on site to serve the protected species for foraging/feeding purposes, As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the nearest European sites unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'It is concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites'.
- 8.5 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to these three or any other European Site. The reason for this conclusion is as follows:
- The modest scale of the development, which relates to the redevelopment of a brownfield site.
  - The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
  - The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.
- 8.6 I conclude that on the basis of objective information, the proposed development would not have a significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and,

therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## **9.0 Recommendation**

I recommend that planning permission be granted subject to the following conditions.

## **10.0 Reasons and Considerations**

Having regard to the location of the existing underutilised brownfield site within the 'existing built up area' of Renmore on zoned and serviced lands, the provisions of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), specifically Table 3.2-Areas and Density ranges- Limerick, Galway and Waterford City Suburbs, and the Galway City Development Plan 2023-2029, specifically Policy 3.5 regarding suburban neighbourhoods-established suburbs, the established pattern of residential development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the Core Strategies of the Development Plan, that the proposed density of development is appropriate and that the development would not result in the creation of a traffic hazard or seriously injure the amenities of neighbouring properties within the area. 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 on the 30<sup>th</sup> day of July 2024 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 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of public health.

- 3 The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

- 4 Details of the materials, colours, and textures of all the external finishes to the proposed development, including external lighting throughout the development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenities.

- 5 (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.  
  
(b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

(c)-Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interests of pedestrian, cyclist, and traffic safety.

6. a) Final details of the construction of footpaths and footpath tie-ins within the development along the Dublin Road, as submitted to the Planning Authority on the 30th day of July 2024 shall be agreed in writing with the Planning Authority prior to the commencement of development.

b) The developer shall liaise with the project design team within Galway City Council in relation to the Dublin Road bus connects project prior to the commencement of any works along the perimeter of the Dublin Road.

**Reason:** In the interest of public safety and sustainable transportation.

- 7 a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) Perimeter screens to a height of 1.8 metres and comprising obscured glazing shall be erected along the perimeter of all above ground floor balcony areas associated with each residential unit.

**Reason:** In the interests of visual and residential amenity

8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interests of amenity and of the proper planning and sustainable development of the area.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. A landscape masterplan and soft landscape plan shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. The Plan shall be implemented within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

11. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

13. The construction of the development shall be managed in accordance with a Construction Traffic and Environmental Waste 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, management of construction waste and materials on site, environmental control measures, including noise, dust and vibration management measures, working hours, construction traffic and parking, management of laying of independent foul sewer line, liaisons with neighbours during the construction period, measures for managing construction sediment run-off and off-site disposal of construction/demolition waste.

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

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting along the Dublin Road and throughout the residential scheme, including the lighting levels within open space areas of the development.

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

15. 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 for the area.

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. 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.

- 18 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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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Fergal Ó Bric  
Planning Inspectorate

22nd day of April 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-320955-24			
<b>Proposed Development Summary</b>	Permission for the demolition of three dwellings and the construction of a four-storey apartment building comprising twenty-four residential units and all associated site and external works including a revised site entrance, ancillary sheltered bin and bicycle stores and drainage connections.			
<b>Development Address</b>	Dublin Road, Galway City			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10, (b), (i) (threshold is 500 dwelling units)	Proposal is significantly below threshold	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** Fergal Ó Bric**Date:** 22nd day of April 2025



## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320955-24	
<b>Proposed Development Summary</b>	Permission for the demolition of three dwellings and the construction of a four-storey apartment building comprising twenty-four residential units and all associated site and external works including a revised site entrance, ancillary sheltered bin and bicycle stores and drainage connections.	
<b>Development Address</b>	Dublin Road, Galway City	
<b>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>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development comprises a residential development of 24 no. apartments and is located within an urban area.  The proposed development will not give rise to the production of significant waste, emissions or pollutants.	No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having	The size of the proposed development would not be described as exceptional in the context of the existing environment.	No  No

