



An
Coimisiún
Pleanála

Inspector's Report

ABP-322265-25

Development	Permission for development which consist of : Retention of existing staff accommodation to first floor level.
Location	36 Eyre Square, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	2560021.
Applicant(s)	Atlantic Enterprises LTD.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party
Appellant(s)	Atlantic Enterprises LTD.
Observer(s)	None.
Date of Site Inspection	1 st July 2025.
Inspector	Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site which has a stated area of 0.0449ha is located at 36 Eyre Square, Galway. The site is situated within the heart of Galway City Centre and comprises of the 1st floor of the subject building.
- 1.2. The subject building is situated on the eastern side of Eyre Square with the ground floor being currently occupied by a fast-food restaurant. There are a number of commercial offerings located along this side of Eyre Square which include for a hotel, supermarket and pharmacy to name a few.
- 1.3. Access to the first floor is via the second door entrance to the ground floor front elevation off Eyre Square and associated internal stairs. There is access to the rear yard area via the stairs to the south-western part of the first floor and the second stairs to the north of the first floor provides access to the ground floor restaurant dining area.
- 1.4. The subject building is situated within the Eyre Square Architectural Conservation Area.

2.0 Proposed Development

- 2.1. Retention permission is being sought for staff accommodation at 1st floor above the fast food restaurant located at 36 Eyre Square, Galway. The accommodation provided for 17no. bedrooms, male and female bathrooms, a shared kitchen/dining room and a shared living room.
- 2.2. Access to the accommodation is provide from street level via a stairwell.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to refuse permission on the 20th March 2025 for the following reasons:

1. Having regard to the Galway City Development Plan 2023 – 2029, and Sustainable Urban Housing: Design Standards for New Apartments (2023), it is considered the proposed change of use from leisure/commercial to staff

accommodation, as analogous with a hybrid of apartment/co-living use, would materially contravene Policy 3.1 (18) of the Galway City Development Plan 2023 – 2029; would be contrary to the requirements of the Sustainable Urban Housing: Design Standards for New Apartments (2023), in particular Specific Planning Policy Requirement 7. Accordingly, if permitted, as proposed would constitute a substandard form of development, which would be seriously injurious to the amenities of the occupants of the development and therefore would be contrary to the proper planning and sustainable development of the area.

2. The development proposed for retention has failed to provide a satisfactory standard of residential amenity for existing and future occupants because of the excessive numbers of rooms proposed, including their location and quality, along with the substandard provision of facilities and amenities. In particular, the proposal fails to comply with the general development standards and guidelines for residential development, including communal facilities, sunlight/daylight and ventilation for residents, as outlined in Chapter 11 of the Galway City Development Plan 2023 – 2029. Therefore, the proposed development for retention is considered unsuitable, inappropriate, excessive, disproportionate, and substandard in form. Accordingly, if permitted as proposed, the development would adversely impact on the residential amenity of existing and future occupants of the structure, would set an undesirable precedent for future developments in the city, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer dated the 14th March 2025 notes the location of the subject site, details of the proposed development, details of the land use zoning, the planning history of the site and within the vicinity of the subject site, national and local planning policy, a summary of consultee reports received and provides for a EIA and AA screening determination.

The report notes that there is no specific residential category for staff accommodation under the Galway City Development Plan 2023 -2029 or in DHLGH's 2023 Sustainable Urban Housing: Design Standards for New Apartment and as such ancillary accommodation for staff will be considered on a case-by-case basis. The report further states that the 2023 Apartment Guidelines is explicit with regard to shared accommodation/co-living noting that there will be a general presumption against the granting of planning permission for shared accommodation/co-living in Galway City as per the apartment Guidelines (updated under SPPR 7 of the 2023 Apartment Guidelines) and the HNDA analysis undertaken (Housing Strategy of the Galway City Development Plan).

Overall, the report sets out specific concern over the lack of residential amenities being provided for any current or future potential residents and the lack of policy supporting the provision of shared accommodation. The report recommends that permission be refused in line with the decision issued.

3.2.2. Other Technical Reports

Active Travel Unit: No objection to the proposed development.

Conservation Officer: No comment.

3.3. Prescribed Bodies

Health Service Executive: No comment.

3.4. Third Party Observations

None received.

4.0 Planning History

Subject site:

PA Ref. No.23/170: Permission REFUSED for development which consists of retention permission for dynamic signage (3.8m in horizontal length and 2.15m in vertical length or 8.17 m²) as displayed to the front façade of existing building. It is fairly centrally located on

the first floor and covers part of the fenestration serving the first floor, No.36 Eyre Square.

PA Ref. No.04/615 planning permission GRANTED for new front elevations and for the construction of new additional penthouse floor at roof level, with new glazed elevator to same. Also for associated signage and siteworks at Supermacs Restaurant. The Planning Authority note that the two projecting design features at penthouse level were omitted by way of condition.

PA Ref. No. 94/124 Permission GRANTED for extension of existing family leisure centre at 1st floor level and retention of existing fun work signage subject to 4 no. conditions.

PA Ref. No. 92/335 Permission GRANTED for change of use of first floor to family leisure centre and coffee bar and erected of enclosed fire exit to rear. Appealed to ABP 61.5/89451 and granted subject to 2 conditions.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework, First Revision April 2025

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 12: 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 22: 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.

National Policy Objective 43: 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 45: 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, increased building height and more compact forms of development.

5.1.2. **Section 28 Guidelines**

Section 28 Guidelines for Planning Authorities – Design Standards for New Apartments (July 2023).

Section 5.12: Shared Accommodation (now also known as ‘co-living’) is identified as a distinct format within the overall residential sector, which, due to its specific nature, has a limited, ‘niche’ role to play in the provision of the new residential accommodation within Ireland’s cities.

Section 5.13 The shared accommodation/co-living format comprises professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities. For clarity, these Guidelines do not apply to established forms of accommodation with a shared or communal element, including hotels, aparthotels, hostels, student accommodation or house or flat share arrangements.

Section 5.14 When introducing the shared accommodation/co-living format, the previous version of these Guidelines stated that given the relatively new nature of this form of accommodation, the Department will monitor the emerging shared accommodation sector and may issue further additional technical updates to this document as appropriate. In this context and further to Ministerial review, prior to issuing these Guidelines it was determined that there is a sufficient quantum of shared accommodation/co-living units either permitted or subject to consideration within the planning system, that may be built out to demonstrate and prove this concept, without impacting the housing system.

Section 5.15 Accordingly, it is a Specific Planning Policy Requirement (SPPR) of these Guidelines that shared accommodation/co-living developments will not generally be permitted:-

Specific Planning Policy Requirement 7:

There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process.

Section 6.9 states that planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements.

Section 6.10 notes that the long-term management and maintenance structures that are put in place for an apartment scheme is a critical aspect of this form of residential development. It is essential that robust legal and financial arrangements are provided to ensure that an apartment development is properly managed, with effective and appropriately resourced maintenance and operational regimes.

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.

Policy and Objective 3.1 It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

5.2. Galway City Development Plan 2023-2029

- 5.2.1. The subject site is zoned under objective CC-City Centre which seeks to '*To provide for city centre activities, and particularly those which preserve the city centre as the*

dominant commercial area for the city.' Residential use is identified as being compatible with the zoning of the subject site.

5.2.2. Other relevant sections of the city plan are considered as follows:-

- Chapter 1: Strategic Context and Core Strategy.

Table 1.7 – RESE Settlement Hierarchy – Galway City and Environs is described as *'The city is the main urban centre in the region. It operates as a key economic and service centre for the NW region and is a key driver in regional development therein. The associated MASP area is the primary centre identified for growth in the region.'*

Table 1.9 – Core strategy Table: Identifies an estimated population capacity of 737 for the City Centre.

- Chapter 3: Housing and Sustainable Neighbourhoods.

Section 3.2 - It is also recognised that the reuse of existing building stock in the city can supplement housing delivery. Vacant or underutilised upper floor space above ground floor business premises and options for conversion of vacant commercial space to residential use have the potential for supporting residential use particularly in city centre locations and commercial hubs. Initiatives such as the Housing for All, Croí Cónaithe (Cities) Fund also support housing delivery.

Section 3.6 - Within the city core, there is also scope for reuse/adaption of existing building stock for residential use, in particular the use of vacant upper floors of city centre shops and commercial premises. The Council will encourage the refurbishment of older buildings, bringing unused or underused buildings into residential use supporting both an increased population and also maintaining the built heritage of the city centre.

Housing Strategy Policy 3.1 Housing Strategy:

- 7. Support a diverse range of housing types, size and tenures within the City Council's housing developments in the interests of achieving good integration and to allow for a choice of community for all persons.
- 8. Support a diverse range of housing types, size and tenures and endeavour to meet the demand for Owner Occupier housing as projected in the Housing Strategy and the Housing Need and Demand Assessment (HNDA).

- 18. Support the development of sustainable communities and ensure that all new housing developments – private, public and voluntary are carried out in accordance with the DECLG guidelines Sustainable Residential Developments in Urban Areas (2009) and where applicable to apartments, Section 28 Ministerial guidelines – Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, (2020).

Section 3.8: City Centre Residential Areas

Policy 3.7 City Centre Residential Areas

- Protect and enhance established city centre residential communities by discouraging encroachment from commercial development and unacceptable infill developments.

Chapter 5: Natural Heritage, Recreation and Amenity.

Chapter 6: Economy, Enterprise and Retail.

Chapter 8: Built Heritage, Placemaking and Urban Design.

Chapter 10: Compact Growth and Regeneration

Policy 10.1

5. Encourage use of vacant upper floors in the city centre and promote city centre living through measures such as the Living City Initiative

Chapter 11: Land Use Zoning Objectives and Development Management Standards and Guidelines.

- Part A – Land Use Zoning Policies and Objectives
- Part B - Development Management Standards
 - DM Standard 11.9 Commercial and Industry
 - DM Standard 11.11 Transportation (Section 11.11.1 Parking Space Requirements and Table 11.6 Parking Space Requirements for Different Types of Development Maximum Standards)
 - DM Standard 11.12 Waste Management
 - DM Standard 11.16 Built Heritage
 - DM Standard 11.20 Green Design & Surface Water /SuDS
 - DM Standard 11.22 Street Furniture, Signs and Structures

- DM Standard 11.23 Water Quality
- DM Standard 11.25 Access for All
- DM Standard 11.28 Flood Risk Management and Assessment
- DM Standard 11.32 Environmental Impact Assessment
- DM Standard 11.33 Appropriate Assessment / Natura Impact Statement
- DM Standard 11.35 Ecological Impact Assessment (EclA)

5.3. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is situated c.330m to the east of the Lough Corrib SAC (site code 000297) and c.584m to the west of the Inner Galway Bay SPA (Site code SPA 004031).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal against the decision of Galway City Council to refuse retention permission. The grounds of the appeal can be summarised as follows:

1. Background of Development.

- Applicant is director of Supermac's which operates the facility at ground floor – one of Ireland's largest indigenous fast-food restaurants with 2,700 employees and over 100 restaurants throughout Ireland.
- Eyre Square restaurant functions as a main base in Galway due to its central location in the heart of the urban area & provides the main training base for staff

as it is the largest outlet. Staff are trained at this facility and then allocated across Galway and other parts of the restaurant chain – high turnover of staff which must be accommodated within a reasonable distance of the city centre (give late night shift work).

- Difficulties have emerged in recent years obtaining accommodation for staff across Galway – Covid 19 and Ukraine invasion.
- Dwelling completions are not in keeping with the pace of housing needs – severe shortage in Galway. CSO statistics indicate that the situation will not ease – Dwelling completion in Galway in 2024 is down by 23.5% compared to completion in 2023.
- Applicant is faced with a serious staff accommodation problem – business requires workers and these need to be trained. Majority of recent works have travelled to Ireland on various employment schemes. Accommodation is required on demand for short durations. Trained employees move out to more permanent accommodation once it becomes available.
- Training accommodation requirements do not suit standard rental accommodation requirements. Hotel accommodation is also very scarce – ongoing crisis to provide accommodation to meet the needs of workers.
- 1st floor had been vacant for a number of years and works stated in 2023 to provide for staff accommodation. Considered works to be exempt under the Planning and Development (Exempted Development) Regulations, 2022 which permitted conversion to residential use where commercial properties had been vacant for a number of years – Council did not accept this and issued enforcement warning letter.
- The applicant undertook a lot of works as requested by the Fire Authority, being Galway City Council, to get it in line to meet Fire and housing requirements. A fire certificate and DAC application was made in July 2023 – still awaiting a decision on these.

2. Assessing the Development on its own merits.

- The Planning Authorities decision/assessment quoted apartment standards – Staff accommodation is not per se recognised in the policy documents quoted

and to this extent the development should be regarded as a standalone category – assessed on its own merits.

- The Sustainable Urban Housing: Design Standards for New Apartments are not applicable – not being able to find an exact fit the Planning Authority maintain that the development may be regarded as a hybrid between apartment/co-living use and would be contrary to policy requirement 7.
- The development is not apartment living - this would imply self-contained all purpose bedroom/living accommodation divided into units.
- The development is not co-living – this would imply living accommodation provided for permanent living that would be rented out to the public and taken as providing accommodation for single people or families for such a period that the rental period would allow.
- The development is for staff accommodation – solely for Supermac staff while they are employed by the company used only for short periods of time while training occurs in the downstairs restaurant – staff then relocated elsewhere or find full time accommodation by themselves.
- Staff can avail of a bedroom accommodation, common kitchen/dining room and a spacious living rooms. The catering facilities of the restaurant downstairs is also available for the residents use.
- Consider that the standards of accommodation being provided are very high – photos affixed to the planning officers report do not do it justice.
- The Planning Authority have concerns over the lack of natural daylight in certain cases, lack of natural ventilation and access to amenity space – applicant should have been afforded an opportunity to address these concerns by further information request.
- Applicant would have addressed these concerns as follows:
 - Some bedrooms that do not have access to daylight are not utilised on a regular basis – most accommodation is provided in rooms 1-9.
 - Other bedrooms can be provided with natural light through roof windows (would be at rear and would not impact visual amenity of the building)

- A modern mechanical ventilation system has been provided in the building which accords with building regulations which can be augmented by additional natural ventilation for bedrooms 10-17 if required.
 - The premises is located right in the heart of the city – all the facilities of the city on the doorstep including Eyre Square.
 - If private amenity space is required – can be provided on the roof of the first-floor level along the western end of the building. This would provide substantial private amenity without a negative impact on any adjoining properties.
- Applicant has particular issue with the Planning Assessment stating the accommodation is sub-standard – contention arises from lack of understanding the type of development involved. It has been assessed as a permanent living space for the general public using the apartment guidelines as the yard stick – not considered reasonable.
 - Applicant did not intend to provide for apartments or standard ‘co-living’ permanent accommodation. The accommodation is provided in response to emergency housing accommodation needed for staff on a temporary basis.
 - Applicant is prepared to enter into a legal agreement under the planning act with the council in relation to the usage which will ensure that the development continues to be used for its stated purpose.
 - The accommodation is more akin to hostel accommodation – not apartments or co-living albeit that it differs from hostel accommodation in that it could not be registered as such – not available to the general public.
3. Reasons why development does not materially contravene the Galway City Development Plan 2023-2029 nor set any undesirable precedent.
- Reference to Policy 3.1 (18) in the reason for refusal – policy states ‘where applicable to apartments’ – the development does not involve apartments or apartment living and for this reason it is considered that the development does not materially contravene the City Plan.

- Reference is made to Planning Policy 7 of the Sustainable Urban Housing: Design Standards for New Apartments within the reason for refusal – the guidelines provide for a definition of co-living/shared accommodation and also state *“these Guidelines do not apply to established forms of accommodation with a shared or communal element, including hotels, aparthotels, hostels, student accommodation or house or flat share arrangements.”*
- The development is not a standard rental accommodation situation as envisaged by the guidelines – therefore the policies/provision of the Guidelines are silent on the issue of staff accommodation and therefore the Planning Authorities refusal is in error.
- The Planning Authority do not give sufficient weight to the remainder of the provisions of the City Development Plan:
 - Section 3.2 of the Plan recognises the use of vacant or underutilised upper floor space above ground floor business premises can provide an opportunity to provide residential use.
 - Section 3.6 of the Plan notes that within the city core there is also scope for reuse/adaption of existing building stock for residential use, in particular the use of vacant upper floors of city centre shops and commercial premises. The Council will encourage the refurbishment of older buildings, bringing unused or underused buildings into residential use supporting both an increased population and also maintaining the built heritage of the city centre.
 - The site is zoned CC- City Centre where Residential is stipulated as a use compatible with the zoning.
 - Policy 10.1 - 5 states Encourage use of vacant upper floors in the city centre and promote city centre living through measures such as the Living City Initiative.
- It is contended that the Planning Authority have been very selective with respect to how it balanced the provisions of the City Development Plan – it has stressed certain parts of the housing strategy and twisted them to fit into its reasons for refusal while ignoring provisions which would support a grant of permission.

- It will not establish an Undesirable Precedent – the standard of accommodation being provided is of a high quality. No consideration of location of the site and the all the amenities offered.
- Request that the Commission take into account that this is staff accommodation to be used in a special circumstance – the Planning Authority have not fully understood exactly what was involved.

7.2. Planning Authority Response

None received.

7.3. Observations

None received.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development.
- Use of development.
- Residential Amenity.
- Other issues.

8.2. Principle of Development.

- 8.2.1. The subject site is located within Galway City Centre and is zoned under Objective CC-City Centre within the Galway City Development Plan 2023-2029. The City Centre Zoning Objective seeks “*To provide for city centre activities, and particularly those*

which preserve the city centre as the dominant commercial area for the city.'
Residential use is identified as being compatible with the zoning of the subject site."

- 8.2.2. The applicant is seeking retention permission for staff accommodation which is located at 1st floor above an existing fast-food restaurant. Residential use is deemed to be a use which is compatible with and contribute to the zoning objective. As such the development is considered to be acceptable in principle.

8.3. Use of Development

- 8.3.1. The appellant in their 1st party appeal has set out the background of the development and set out clear reasons as to why the residential accommodation seeking retention permission is required. This relates mainly to the commercial operations of the appellant and the on-going housing supply shortage being experienced within Galway and the remainder of the Country. It is stated that the accommodation serves only the employees of the restaurant franchise on a temporary basis while they are undertaking training and waiting a more permanent accommodation solution elsewhere within either Galway City or the wider area.
- 8.3.2. The appellant contends that the Planning Authority should have assessed the retention application on its own merits as 'Staff Accommodation' and that policy set out within the Sustainable Urban Housing: Design Standards for New Apartments, 2023 is therefore not relevant. The appellant has placed an overemphasis on the accommodation not being apartment units or co-living units.
- 8.3.3. The Planning Officer within their assessment notes that there is no specific residential category for staff accommodation under the Galway City Development Plan 2023 -2029 or in DHLGH's 2023 Sustainable Urban Housing: Design Standards for New Apartment and that ancillary accommodation for staff will be considered on a case-by-case basis. However, the assessment further states that there would be a presumption that such accommodation would be facilitated for within purpose-built structures as opposed to the reuse of established buildings where it may be difficult to provide adequate levels of residential amenity. The Planning Officer concluded that in the absence of any obvious precedents that the proposal could be considered as a hybrid of apartment/co-living use.
- 8.3.4. The appellant has sought to set out a clear differentiation for what they are seeking retention permission for, being staff accommodation, from that of general apartment or co/living uses. I note that within local planning policy, i.e. the Galway City

Development Plan 2023-2029, or national policy, there is no definition or policies surrounding 'staff accommodation'.

- 8.3.5. The development subject to this appeal provides for 17 no. bedrooms which provide for a total of c.31 no. bedspaces, 1 no. kitchen dining room and 1 no. living room. The residents of the facility all share the use of the kitchen/dining room and living room. The Sustainable Urban Housing: Design Standards for New Apartments, 2023, define co-living developments as *"professionally managed rental accommodation, where individual rooms are rented within a commercial development that includes access to shared or communal facilities and amenities."* In this instance the facility is being managed by the appellant who allows staff to reside here and utilise the shared or communal facilities. The only differentiation is that no rent is paid.
- 8.3.6. While the apartment guidelines further state that they do not apply to established forms of accommodation with a shared or communal elements, such as hotel or hostels, this is not relevant to this facility as it is not an established use and does not benefit from permission.
- 8.3.7. In essence, I consider that the appellant is providing for residential accommodation which is akin to co-living with the slight differentiation in that the units will not be brought to the market for rent. Therefore, the assessment of the Planning Authority which the appellant considered to be flawed, is correct in assessing the application against the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, 2023.
- 8.3.8. Policy 3.1 point 18 of the Galway City Development Plan 2023 – 2029 requires that housing and apartment developments are delivered in accordance with the relevant Department of Housing, Local Government and Heritage Section 28 Guidelines, which in this instance would be Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, 2023.
- 8.3.9. Having regard to the above, Specific Planning Policy Requirement 7 of the Section 28 Apartment Guidelines, 2023, states that there shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process. Policy 3.1 point 8 of the Galway City Development Plan 2023 – 2029 supports

the delivery of a diverse range of residential types and tenures which aim to meet the demand for Owner Occupier units as projected in the Housing Strategy and the Housing Need and Demand Assessment (HNDA).

- 8.3.10. Section 1.4.3 of the Galway City Plan 2023-2029 sets out the findings of the HNDA which was undertaken by the Planning Authority to identify the housing requirements as set out within the Core Strategy of the City Plan. It is stated in table 1.4 of the City Plan that a total of 4,433 houses will be required by 2028. No reference is made within the HNDA for the requirement of staff accommodation or co-living units to meet this housing need.
- 8.3.11. I consider that to permit retention permission for this development which is seeking to provide for staff accommodation which is akin to that of co-living would not be in keeping with Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, 2023 which seeks to ensure that permission for shared accommodation/co-living is not granted unless there is a demonstrated need for such identified by the Planning Authority. As such the proposal would materially contravene Policy 3.1 Point 18 of the Galway City Development Plan 2023-2029 and consequently SPPR 7 of the of the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities, 2023.

8.4. Residential Amenity

- 8.4.1. The Planning Officer within their assessment raised considerable concern relating to the level of residential amenity provided by the development and this was relayed within the second reason for refusal. It was considered that due to the excessive numbers of rooms proposed, including their location and quality, along with the substandard provision of facilities and amenities the proposal for retention would fail to comply with the general development standards and guidelines for residential development, including communal facilities, sunlight/daylight and ventilation for residents, as outlined in Chapter 11 of the Galway City Development Plan 2023 – 2029.
- 8.4.2. The appellant in response contends that the accommodation being provided is of a very high standard and that the photos affixed to the report of the Planning Officer do

not do the property justice. The appellant further argues that they should have been afforded an opportunity by way of a request for further information to address the concerns raised by the Planning Officer with regard to the lack of natural daylight, lack of natural ventilation and access to amenity space. It is stated that while it is noted that rooms 10-17 do not have access to natural daylight they are not utilised on a regular basis but these units can be provided with natural light through roof windows that would be at rear and would not impact visual amenity of the building.

- 8.4.3. The appellant further states that a modern mechanical ventilation system has been provided in the building which accords with building regulations which can be augmented further through the provision of an additional natural ventilation for bedrooms 10-17 if required. With regard to private amenity space, the appellant states that if required it can be provided on the roof of the first-floor level along the western end of the building which would provide substantial private amenity area without a negative impact on any adjoining properties. Furthermore, it is stated that the site is located right in the heart of the city and benefits from all the facilities of the city and Eyre Square being on the doorstep.
- 8.4.4. From the outset, while I note the comments made by the Appellant with regard to how the development can be amended to overcome the concerns raised by the Planning Authority, no amended plans have been submitted demonstrating these amendments for me to assess. As such, my assessment relates solely to all the documentation and plans submitted to the Planning Authority as part of the planning application for retention permission.
- 8.4.5. As set out in section 8.3 of my report, the development seeking retention permission is not for apartment units but is more akin with a co-living style of accommodation. The Apartment Guidelines, 2023, do not provide any guidance in terms of sequential standards for this type of development given that SPPR 7 of the guidelines sets out a presumption against granting planning permission for this type of development.
- 8.4.6. Section 6.9 of the Apartment Guidelines, 2023, states that Planning Authorities should take a practical and flexible approach to applying the general requirements of these guidelines in relation to refurbishment schemes of 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. The guidelines further state "*ultimately, building standards*

provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements.” However, notwithstanding section 6.9 of the guidelines, I do consider that an adequate level of amenity should be afforded to all occupants of these types of development.

- 8.4.7. From undertaking an inspection of the property on the 1st July 2025 I noted that rooms no.10- no.17 were not in use however they were provided with bed's and wardrobes which would allow them to be occupied at any time. These bedrooms are not served with any natural light or natural ventilation. Essentially, they are not served with any windows to the external elevation of the building. While the appellant contends that these rooms are not used on a regular basis, they have been indicated on plan and as such are subject to this assessment.
- 8.4.8. I note that there is no private amenity space for the residents to enjoy. I do not consider that the roof of the first-floor level to the rear of the building offers any amenity for the residents given that this is the location of the plant and extractor fan serving the restaurant below. Furthermore, I note that the layout only provides for 1 no. living room to serve all 17 no. bedrooms which has an area of c.18.32 sq.m which does not have the benefit of any natural day light or ventilation given that it is internal within the building.
- 8.4.9. Section 11 of the Galway City Development Plan 2023-2029 sets out the development management standards for residential development within the city area. Notwithstanding my comments above with regard to the use of the development, I do consider that the requirements set out within this section of the City Development Plan to be relevant.
- 8.4.10. Overall, having regard to the quantum of residential accommodation being provided which could accommodate approximately 33 people at any given time, I do not consider having regard to the limited internal amenity space, the lack of external private amenity space, the lack of natural ventilation and day light serving 8 of the bedroom, that the development would fail to offer an adequate level of residential amenity for any occupants even on a short-term basis. As such, I accept the assessment of the Planning Authority and consider to permit retention permission for

the development would not be in keeping with the requirements of Chapter 11 of the Galway City Development Plan 2023-2029 and would not afford an adequate level of amenity for any occupants of the residential accommodation.

8.5. Other Issues

8.5.1. Vacant Property Provisions

The appellant has contended that the application is supported by the Galway City Development Plan 2023-2029 and makes reference to a number of areas where the plan supports to reuse/adaption of existing building stock for residential use with a particular reference to 1st floor vacant premises. This includes for Section 3.2, Section 3.8 and Policy 10.1 point 5.

It is further contended that the Planning Authority were very selective with respect to how it balanced the provisions of the City Development Plan and considered that the assessment stressed certain parts of the housing strategy and twisted them to fit into the reasons for refusal while ignoring the provisions which would support a grant of retention permission.

Notwithstanding, the City Living Initiative and the comments within the Galway City Plan, I consider that the reuse of the upper floor of this building for residential development can only be considered when it would afford any future potential residents an acceptable form of residential amenity which accords with the sequential standards.

I do not consider having the quantum of bedspaces being provided for and lack of associated amenities, that this can be used to rely on to support the development subject to this appeal.

8.5.2. Legal Agreement

The appellant state that they are willing to enter into a legal agreement under the Planning and Development Act 2000 (as amended) with the Planning Authority to ensure that the usage of the residential accommodation continues to be solely for the staff of the commercial offering operating at ground floor level.

Section 47 of the Planning and Development Act 2000 (as amended) relates to agreements regulating the development or use of land. Section 47(4) of the act states,

inter alia, that an agreement under this section can only be made where the Commission or the Planning Authority do not exercise the power to contravene materially the provisions of the development plan.

Having regard to my assessment set out above under Section 8.3 of my report, where I have demonstrated how I consider that the proposed development would materially contravene Policy 3.1 point 18 of the Galway City Development Plan 2023-2029 and SPPR 7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2023, I am of the opinion that the Commission are precluded from entering into an agreement under Section 47 of the Planning and Development Act 2000 (as amended).

8.5.3. Precedent

The Planning Authority in their second reason for refusal considered that to permit the proposed development would establish an undesirable precedent for similar types of sub-standard residential developments within the city area. The appellant contends that this will not be the case and that the standard of accommodation is high.

I would agree with the statement of the Planning Authority. Having regard to the location of the subject site within the city centre where it is proximate to other similar commercial offerings which may have the same opportunity to provide the same style of accommodation above ground floor, permitting the development seeking retention permission would establish an undesirable precedent in the absence of any national policy guidance for this type of accommodation.

9.0 AA Screening

- 9.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lough Corrib SAC (site code 000297), the Inner Galway Bay SPA (Site code SPA 004031) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA.

9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion

10.0 Water Framework Directive Screening

10.1. The subject site is located at 36 Eyre Square, Galway City Centre. The proposed development consists of the retention of existing staff accommodation to first floor level. No water deterioration concerns were raised in the planning appeal. The Corrib River flows approximate c.315m to the west of the subject site and the Terryland river is situated c.806m to the north of the subject site.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

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

12.0 Reasons and Considerations

1. Having regard to the development seeking retention permission for the provision of staff accommodation it is considered that the development would materially contravene Policy 3.1 point 18 of the Galway City Development Plan 2023-2029, would be contrary to Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments (2023). Therefore, if permitted the development would constitute a substandard form of development, which would be seriously injurious to the amenities of the occupants of the development, and therefore would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the excessive numbers of residential bedrooms being provided, the lack of private amenity space, the substandard provision of facilities and lack of amenities for existing and future occupants it is considered that the development has failed to provide for a satisfactory standard of residential amenity, fails to comply with the general development standards and guidelines for residential development, including communal facilities, sunlight/daylight and ventilation for residents, as outlined in Chapter 11 of the Galway City Development Plan 2023 – 2029, would adversely impact on the residential amenity of existing and future occupants of the structure, would set an undesirable precedent for future developments within Galway city, and would therefore be contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck
Planning Inspector

9th July 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322265-25
Proposed Development Summary	Permission for development which consist of : Retention of existing staff accommodation to first floor level.
Development Address	36 Eyre Square, Galway.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required. If a
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322265-25
Proposed Development Summary	Permission for development which consist of: Retention of existing staff accommodation to first floor level.
Development Address	36 Eyre Square, Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>This application is seeking retention permission for the provision of staff accommodation located on 1st the first floor of 36 Eyre Square, Galway. The building is occupied by a fast food restaurant at ground floor level and access to the 1st floor is provided directly from street level.</p> <p>The subject site is located within the city centre of Galway City and within an urban context. The proposed development would not be exceptional in the context of its surrounding.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters,	There would be no significant cumulative considerations.

magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the project in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at 36 Eyre Square, Galway City and situated c.330m to the east of the Lough Corrib SAC (site code 000297) and c.584m to the west of the Inner Galway Bay SPA (Site code SPA 004031). The development consists of the retention of existing staff accommodation to first floor level.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.