



An
Bord
Pleanála

Inspector's Report

ABP 322352-25

Development

Permission for the change of use and the provision of a quiet lounge within the existing curtilage of the ground floor unit, provision of new external door to access the adjacent Blue Note licenced premises, and provision of a Mobility Impaired Accessible W.C facilities. The existing unit shop unit would remain in situ.

Location

Unit 2A, William Street West. Galway.

Planning Authority

Galway City Council.

Planning Authority Reg. Ref.

2460275.

Applicant(s)

Dawnbay Ltd.

Type of Application

Permission.

Planning Authority Decision

To Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Thomas Hibbitt.

Observer(s)

None.

Date of Site Inspection

June 12th,2025.

Inspector

Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at William Street West, Galway City. It forms part of a retail/residential development that consists of 2 no. commercial units on the ground floor with two residential at first and second floor level. Unit 2A has a stated gross floor area of 45m² and is currently vacant. It has a front door and window facing onto William Street West. The adjoining unit accommodates a café.
- 1.2. The appeal site is separated from the adjoining Blue Note licensed premises by a passageway, that provides access to the public house. The bar extends over the full length of the site and accommodates seating areas at different levels and in small snugs. There are toilet facilities and stores to the rear. An external area to the east side of the bar which wraps around the rear of Unit 2A is partially roofed with a Perspex type material. It accommodates additional seating and also functions as an outdoor smoking area. There is a small external storage and plant area to the rear of the site.
- 1.3. William Street West lies a short distance southwest of the city core and accommodates a variety of uses including shops, bars, restaurants and coffee shops interspersed with residential development. To the rear New Street West is residential in character.

2.0 Proposed Development

- 2.1. The proposal seeks permission for the change of use of Unit 2A William Street West, Galway. The development includes the following:
 - The provision of a quiet lounge within the curtilage of the existing ground floor unit only.
 - The provision of a new external door to access the adjacent Blue Note licenced premises.
 - The provision of mobility impaired accessible W.C facilities.

The existing unit shop front would remain in situ.

- 2.2. The application is supported by the following:

- letter from the landowner of Unit 2A providing consent to the making of the application,
- Architectural Rationale Statement, and
- statement from DNG Real Estate, which states that due to its size and space the space available at Unit 2A has been difficult to let and secure long-term tenants. It has had a number of different retail uses but in between has been vacant for long periods.

3.0 Further Information

3.1. The planning authority sought further information on the application on 22/10/24 on the following matters:

- Noise Impact Assessment carried out by appropriately qualified acoustic professional.
- Impact of new 'exit door' to be provided on the ground floor and potential for noise to transmit/escape externally to the street with impacts on the amenities of the area.
- Revised ground floor plan clearly outlining the floor area of the public house and the floor area of the outdoor seating area on the landholding.

3.2. The response to the request for further information was received on 11/3/25 and included the following:

- A Noise Impact Assessment Report prepared by ICAN Acoustics Noise & Vibration Consultants to address the matters raised in Items 1 and 2 of the further information request.
- Drawing 24030.PL.101 addressing the matters raised in Item 3.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 7 no. conditions which contains the following conditions of note:

Condition No 2: Noise mitigation measures outlined in the noise report carried out by ICAN Acoustics to be fully implemented in the construction of the development and prior to occupation. On completion, the developer shall submit to the planning authority certification from a qualified Acoustic Engineer confirming that the works have been satisfactorily carried out and this certificate shall be agreed in writing with the Planning Authority.

Reason: To protect the residential amenities of the neighbouring properties.

Condition No 3: Details of the proposed active noise management plan and the proposed noise monitoring regime shall be recorded annually by the developer and made available to the planning authority, as required.

The series of acoustic test monitoring regime shall be carried out within six months of the opening of the lounge area and results submitted to the Planning Authority.

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

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning officer's report of 18/1024 notes that while the site is within an area zoned 'CC'- City Centre, William Street West is not a principal shopping street where restrictions apply on the conversion of the ground floor of premises from retail to non-retail uses. However, the provisions relating to the expansion and extension of licensed premises in the City Centre Area under Section 11.4.5 are relevant in this case.

The Planning Officer notes that the premises is located in the City Centre which has a high ambient noise level, with constant noise from traffic and other sources. The

applicant has failed to demonstrate that the proposal would not compromise the residential amenities of the local area and specifically that of the residents of the apartments directly above this ground floor unit. Further information to assess the potential impact on the residential amenities of the area was considered necessary.

The planning officer's report of 26/3/25 following the receipt of further information considered that the concerns of the planning authority had been adequately addressed.

4.2.2. Other Technical Reports

Environment Section: No comment to make on the proposed development.

Active Travel Unit: The proposed development does not interfere with or affect any Active Travel Schemes.

Environmental Health Services: No comment/observations to make on the application.

4.3. Prescribed Bodies

None.

4.4. Third Party Observations

A submission was submitted by Mr Thomas Hibbitt that raised similar issues to those raised in the appeal.

5.0 Planning History

22/159: Permission granted for the change of use of the adjoining ground floor unit from retail unit to a coffee shop, together with minor alterations to the external front façade and all associated site works.

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Galway City Development Plan 2023-2029**.

Chapter 11 of the Plan includes Land Use Zoning Objectives (Part A) and Development Plan Standards and Guidelines (Part B).

The site is located within an area zoned 'CC' – City Centre Use, with the following objective:

'To provide for city centre activities, and particularly those, which preserve the city centre as the dominant commercial area for the city'.

Retail uses are compatible within this use zone.

Section 11.4. sets out the development standards for the City Centre Area. Section 11.4.5 refers to permissible uses. There is specific reference to development for and/or extensions to licensed premises and the factors which must be taken into account, which is discussed in more detail in the assessment section of this report.

6.2. Natural Heritage Designations

The development is not located within a European site. There are a number of sites at varying distances which include the following:

- Lough Corrib SAC (site code:000297), c 260m to the northeast of the site.
- Galway Bay Complex SAC (site code 000268), c 265m to the east/southeast of the site.
- Inner Galway Bay SPA (site code 004042), c 720m from the site.

6.3. EIA Screening

- 6.3.1. The development is not of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The following summarises the grounds of appeal

- The appellant is the owner of Apartment 2B located at first and second floor level directly above the proposed development.
- The existing Blue Flag public house is separated by an open passageway from Unit 2A forming part of the application.
- Condition No 2 and 3 of the planning authority's decision does not deal adequately with the issue of noise.
- The acoustic report submitted recommends methods of reducing transfer through fixings but does not take into account the fabric and makeup of the building where sound can transfer from one floor to another. A full noise survey should have been carried out to detail the level of noise transfer from the proposed unit to the upper floors.
- The unit is to be a quiet lounge which is not a practical proposal for an attachment to an existing bar with a late licence. The control and supervision of the area is not going to be able to prevent noise emanating from it to the floors overhead.
- The condition of putting a test monitoring regime in place is not a practical solution to the issue of noise and disturbance on an ongoing basis. It does not stipulate if there is an acceptable level of noise for this type of development and how often or when monitoring should take place. It should not be left to the appellant to follow up on noise disturbance from the unit underneath and which may go as far as questioning the licence approval for the premises.
- The most recent use of the unit was office space and has no impact on the residential use overhead. Similarly, the use of the adjoining use as a café which closes late afternoon has no impact on the residential use.
- The existing Blue Note pub extends to the rear of Unit 2A having been granted permission for an open beer garden (93/431) which is now roofed and

forms a major part of the pub itself. It is unclear if planning permission exists for this part of the development.

- The beer garden is to the rear of appellant's patio area and causes noise disturbance late at night. A further extension to the pub which is directly under the apartment will impact on its residential amenity.
- The idea of a 'quiet lounge' (which is undefined) with a mobility impaired accessible toilet opens up the area to further intensification of the existing premises which already has a late licence. It is not possible to maintain a 'quiet lounge' given the crossover between the existing pub and the proposed use of the new area.
- The pub is already a large premises in a small community of residential units on William Street West and backing onto New Street West where the residential amenity of the area is to be protected. It is considered that the proposal will have an impact on the overall area and reduce the quality of its residential amenity. The unit should remain in use as a retail/office space as per the original development.

7.2. Observations

None.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having examined all the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider the substantive issue to be considered in this appeal relates to the following:

- Principle of the development.
- Impacts on the amenities of the area.
- Appropriate Assessment

8.2. Principle of the development

- 8.2.1. The proposal relates to the change of use of Unit 2A to a 'quiet lounge' as an expansion of the existing Blue Note public house. Section 11.4.5 'Uses' of the current development plan states as follows:
- 8.2.2. *'the conversion of ground floor of premises on the principal shopping streets from retail to non-retail uses, including retail services shall not be permitted. For these purposes the principal shopping streets are Williamsgate Steet, William Street, Shop Street, Mainguard Street, High Street, Quay Street and Eyre Square (north western side)...'*
- 8.2.3. As noted in the Planning Officer's report, William Street West, is not identified as one of the principal shopping streets and accordingly this restriction does not apply to the subject site. The use of the unit as a 'quiet lounge' is not incompatible with the zoning provisions and is, therefore, considered acceptable in principle in this location.
- 8.2.4. There is also specific reference in Section 11.4.5 to development proposals for and/or extensions to licensed premises in the City Centre Area, which are as follows:
- 'Where development for and/or extensions to licensed premises, including off-licenses, night clubs and takeaways (but excluding restaurants are being considered in the City Centre Area, the Council will take account of the following:*
- *The effect of the proposed development on the amenities of the area,*
 - *The effect of the proposed development on the mix of uses in the area,*
 - *The potential impacts on buildings on the RPS, NIAH or in ACA,*
 - *The size, number and location of existing premises in the area'.*
- 8.2.5. The development proposed the expansion of the existing Blue Note licensed premises within the area defined as the City Centre Area and accordingly these provisions are relevant in the assessment of the proposal and are considered in more detail below.

8.3. Impacts on the amenities of the area

- 8.3.1. The existing building on the appeal site is not listed in the Record of Protected Structures (RPS), nor the National Inventory of Architectural Heritage (NIAH). The

appeal site is not located within a designated Architectural Conservation Area (ACA). The existing shop front will remain in-situ, and no alterations are proposed to the front façade. The proposal is confined to the change of use of the existing unit and no impacts would arise that would detract from the existing building, the character of the street or the built heritage of the area.

- 8.3.2. William Street West has a variety of uses including bars, coffee shops, restaurants and shops, which contribute to its vitality and vibrancy during day/night time hours. There are a two other licensed premises on William Street West, one on the adjacent Sea Road and four in close proximity on Dominick Street Upper. Having regard to the limited scale of the proposed extension (45sq.m), I do not consider that the proposed change of use would give rise to significant additional impacts on the overall mix of uses in the area. The development would however result in the loss of a unit to retail use in the city centre area. The permanent closure of the front door (except in case of an emergency) also reduces the potential for interaction between the unit and the street, which ultimately contributes to its vibrancy and vitality. I note the stated reasons for extended vacancy (scale and market) documented in the Architectural Rationale Statement and supporting statement from DNG Real Estate.
- 8.3.3. The main focus of the appeal relates to the potential impacts of the development on the residential amenity of the apartments which are located at first and second level above the appeal site. Due to the gaps in the information provided in the noise impact assessment, I accept that these concerns are not unfounded. During my inspection of the site, I noted that part of the existing bar is set up to accommodate a DJ and that there are gaps in the existing roof over the beer garden/ smoking area which would not contain noise generated on the site.
- 8.3.4. The assessment highlights that the application relates only to the creation of an indoor space in association with the existing Blue Note Bar. It states that patrons would, in effect be inside a sound insulated building for the most part and will use the existing on-site outdoor space for smoking, or to leave the premises. The planning authority in its request for further information considered the proposed double doors to be a critical consideration in the noise assessment due to the high potential for noise transmission.

- 8.3.5. To assess potential impacts, a noise survey was conducted over one weekend from a single location. The only details from the survey are presented in Table 4 and a noise contour map is produced (Fig 8). With the exception of the lowest measured noise levels, expressed as an LAeq, 1hr value, there is no other information provided on the range of recorded noise levels or the factors that would contribute to propagation/dissipation.
- 8.3.6. It is predicted in the assessment that in a worse-case scenario that the double-doors would be opened 50 times per hour when the 'quiet lounge' is at capacity. There is no information on the modelling used and no data is provided. There is also ambiguity on how the predicted noise levels at the various rooms in the upstairs apartments (Table 5) were calculated and how it was concluded that there would be a 'no change' and 'negligible' impact on residential receptors.
- 8.3.7. Whilst I accept that the site is located within an area where existing noise levels are high both during day/night time, it has not been established as stated in the assessment, that no additional impacts are likely to be generated by the proposed development. The appellant has also expressed reasonable concerns relating to control and supervision of the new area and the practicality of putting a test monitoring regime in place to solve the potential ongoing issue of noise and disturbance.
- 8.3.8. A suite of mitigation measures is proposed to improve the building's ability to contain noise inside the structure. These include a mixture of more significant interventions including ceiling enhancement and works to the floor (floor isolation and decoupling using an isolated rubber mounted batten system) in conjunction with more minor measures. No information is provided on the efficacy of these measures, or, as stated in the appeal how they will operate with the existing building materials to improve airborne sound resistance and reduce vibration.

I would conclude that based on the information submitted it is not possible to conclude with any degree of confidence that the proposed development would not result in additional impacts on the residential amenity of adjacent properties. I consider that the proposed development would therefore be contrary to the provisions of Section 11.4.5 of the development plan and contrary to the proper planning and sustainable development of the area.

8.4. Appropriate Assessment

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

I have considered the proposal for the change of use of Unit 2A to a lounge, the provision of a new external access to the adjacent Blue Note licensed premises and the provision mobility impaired accessible W.C facilities in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at William Street West. Galway city.

The proposed development comprises a change of use of the existing unit to a 'quiet lounge' area and the provision of access to the adjacent licensed premises.

No nature conservation matters were raised in the planning appeal.

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:

- The small scale and nature of the works proposed.
- The location of the development within the city center, connected to existing infrastructure,
- The distance to European sites.

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.

9.0 Recommendation

- 9.1. On the basis of the above assessment, I recommend that permission be refused for the proposed development.

10.0 Reasons and Considerations

Having regard to the information submitted in support of the application and the appeal, in particular the conclusions reached in the noise impact assessment, the

Coimisiun is not satisfied that the proposed development consisting of an extension to an existing licensed premises into a section of the ground floor of the adjoining property, would not impact on the residential amenity of the apartments at first and second floor level. It is considered that the proposed development would be contrary to the provisions of Section 11.4.5 of the Galway City Development Plan 2023-2029 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.

Breda Gannon
Planning Inspector

30th, June 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 322352-25		
Proposed Development Summary	Change of use and the provision of a quiet lounge within the existing curtilage of the current ground floor unit, provision of new external door to access the adjacent Blue Note licenced premises and provision of Mobility Impaired Accessible W.C facilities.		
Development Address	Unit 2A William Street West. Galway city.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes		
	No		✓
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	✓		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____