



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322672-25

<b>Development</b>	Demolition of 2 Storey building and construction of 4 Storey apartment block consisting of 10 no. apartments
<b>Location</b>	43 Old Dublin Road, Renmore, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	2560080
<b>Applicant(s)</b>	Shawder Ltd
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Grant permission with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Nora and Bernie Ruane
<b>Date of Site Inspection</b>	25 <sup>th</sup> July 2025
<b>Inspector</b>	Sarah O'Mahony

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## **1.0 Site Location and Description**

- 1.1. The 0.09ha site is situated 2.5km east of Galway city centre in the Renmore area. It is accessed from the R338 regional road known as the Dublin Road or Old Dublin Road. The Bon Secours hospital is situated 170m west of the site while Atlantic Technological University is situated 180m to the east. Dublin Road is an arterial route serving the city with three carriageways including a bus lane at the south adjacent to the vehicular entrance to the site.
- 1.2. There is a two-storey detached dwelling situated on the site comprising 176.44m<sup>2</sup>. The area to the front (north) of the dwelling comprises a large, surfaced car park and turning area while the area to the rear is domestic open space. Boundaries comprise blockwork walls with some mature ornamental and domestic planting. There are some mature deciduous trees including ash and sycamore situated along the east and northern boundaries.
- 1.3. Adjacent land is in residential use on all sides comprising a mix of single and two storey dwellings while the properties opposite the site comprise a sports ground and a hotel. The single storey dwelling on the plot directly west and adjacent to the site is surrounded by heras fencing and appears to be an active construction site nearing completion.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for development which comprises the following:
  - demolish the existing 2-storey dwelling,
  - construct a four-storey apartment development to consist of 10 no. apartments (3 no. 1-bed and 7 no 2 bed). The flat roof building will include an arched vehicular passage at ground floor level and a setback third floor. Finishes will comprise a mix of brick, cement tile and standing seam zinc cladding.
  - 7 no car spaces including one accessible car space, a covered bicycle storage for 24no. bicycles and all associated site works including connections to public water services, revised vehicular and pedestrian entrances to the R338 Dublin Road and landscaped communal open space.

- 2.2. The following additional documentation was submitted with the application:
- Part V exemption certificate application (Certificate of Exemption from the provisions of Section 96 of the Planning and Development Act 2000, as amended).
  - Planning Report

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Galway City Council issued a notification to grant permission on 08<sup>th</sup> May 2025 subject to 22no. conditions including no. 9 and 10 as follows:

- 9. Prior to commencement of development the developer shall liaise with the Dublin Road Bus Connects Project Design Team, regarding right turning traffic entering and exiting the development site. The development shall be completed in accordance with the agreed details.

REASON: In the interests of proper planning and sustainable development of the area and traffic safety.

- 10. a. Prior to commencement of development revised drawings shall be submitted for the written agreement of the Planning Authority including the revision or alternatively the omission of car parking spaces no. 1, 2 and 3 to ensure free access to the rear of the building and other car parking spaces provided by pedestrians, cyclists and private vehicles. The development shall be completed in accordance with agreed details.

b. The car parking spaces shall be adequately delineated.

c. The car parking spaces provided within the development shall be reserved for exclusive use of the residential occupiers of the development.

REASON: In the interest of traffic safety and the proper planning and sustainable development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- The Case Planner considered that the principle of development was open for consideration, that the density was within the recommended range, the site is situated in an area where increased scale, height and density can be considered, and that the proposed 4 stories comply with thresholds outlined in ministerial guidelines. It specifically states *‘The southern section of the Dublin Road is an area in transition with its low-density housing being redeveloped over the years to more dense and compact forms of housing. The southern section lacks a strong urban edge and exhibits a degree of openness and lack of enclosure in the urban form and character.’*
- With regard to overshadowing, it noted the lack of any technical report or assessment and concluded based on the information submitted that a degree of overshadowing may occur, but ultimately that the area currently represents an inefficient use of serviced and zoned lands and that policy requires *‘the development of increased density, scale and critical mass along major distributor roads and public transport services/infrastructure’*.
- It noted a 30% shortfall (3no. spaces) in proposed car parking to comply with SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) but considered the rate of proposed parking to be *‘satisfactory and appropriate, particularly in view the location of the development site, proximity to city centre and the provision of existing bus services and future enhanced public transportation services and infrastructure’*.

#### 3.2.2. Other Technical Reports

- Active Travel Unit: No objection subject to a condition requiring the preparation and agreement of a Construction and Contingency Management Plan.

- Transportation/Drainage: No objection subject to standard conditions.

The application was also referred to the following who did not respond:

- Housing Department
- Building Control
- Flood Risk Assessment
- Fire Service
- Environment

### 3.3. **Prescribed Bodies**

- The application was referred to Uisce Éireann who did not respond.

### 3.4. **Third Party Observations**

3.4.1. 3no. third party submissions were received from the following:

1. Orla Conroy
2. Nora Ruane and Bernie Ruane
3. Peter Hynes

3.4.2. The submissions opposed the development and raised the following concerns:

- Incorrect site address, inaccurate drawings, misleading planning history.
- Development is premature pending the bus connects decision. Development is premature pending the preparation of a spatial plan for the nearby Former Dawn Dairies Site.
- Inappropriate unit mix.
- Insufficient car parking and turning space.
- Overshadowing and overlooking leading to a loss of amenity.
- Traffic impact during construction and operational phases, particular concern regarding the scale of traffic generated, its impact on traffic flows, impacts to the existing bus lane and a traffic hazard associated with movements in and out of the

entrance. Concerns also outlined regarding the management of deliveries and visitors to the site.

- Lack of demolition management proposals, Traffic Impact Assessment, Environmental Report including assessment of impacts on the landscape and living environment, Landscape Design and Planting Specification and Daylight, Sunlight and Shadow Assessment, Waste Management including asbestos, Mobility Management.
- No fire safety certification and a history of non-compliance on the same site.
- Proposed architecture is not high standard and is out of character with existing properties. Excessive height and scale. Development should be limited to 2 stories. Building line would not be maintained.
- Proposed development could alter the demographic composition of the area by introducing a more transient population and loss of the long-term community which defines Renmore and its traditional low density dwellings.

## 4.0 Planning History

### Subject Site

- 23/179: Planning permission **granted** to change the use from residential dwelling to guesthouse.
- 22/51: Permission **granted** to retain a single storey double garage conversion, entrance lobby to front and conservatory to rear.

### Adjacent Site to the West

- 25/60248: Retention permission sought for development which consists of: (i). Retention for the 100% demolition of the existing bungalow dwelling, other than the 75% demolition granted under Pl. Ref. No. 24/19. (ii). Retention for the construction of the new dormer dwelling, of the same design to that granted under Pl. Ref. No. 24/19 with slight amendments, and permission to complete the overall development. (iii). Retention of a storage shed in the rear garden area. (iv). Retention of the new block wall, containing the Electrical Meter, to the front of the site (v). Permission for



the conversion of part of the proposed single dwelling to a Granny Flat at 41 Dublin Road, Galway. This is a live application with a decision date of 08<sup>th</sup> October 2025.

- 24/19: Planning permission **granted** for development which consists of an extension at ground and first floor level with elevational changes and all associated site works at 41 Dublin Road, Galway.

#### Nearby Site 13m to the East

- 24/60244, ABP-320955-24: Planning permission sought for demolition of three number existing dwellings and the construction of a four-storey apartment building containing 24 number residential units (10 number one-bed, 13 number two-bed and one number three-bed) and all associated site and external works, including a revised site entrance, ancillary sheltered bin and bike stores and drainage connections, all at 47, 49 and 51 Dublin Road, Galway. The Local Authority issued a notification to grant permission which was appealed by a third party. An Coimisiún Pleanála issued a decision to **grant** permission subject to conditions on 22<sup>nd</sup> May 2025.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Galway City Development Plan 2025-2029 (referred to hereafter as the CDP). The site is zoned 'R-Residential' which has the following zoning 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.'*

- 5.1.2. Chapter 3 refers to Housing and Sustainable Neighbourhoods. It identifies the site's location within a character area referred to as the 'established suburbs' as per Fig.3.1. Section 3.6 sets out a framework for established suburbs and Policy 3.5.1 in particular applies as follows:

*'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.'*

5.1.3. Section 3.4 refers to residential densities and states that:

*'Guidance with regard to higher density residential development is set out in the SRD guidelines and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020). In addition the Galway UDBHS (2021) gives direction on the suitability of different neighbourhoods in the city to accommodate increased densities.'*

5.1.4. Note, "SRD guidelines" in the quote above refers to Sustainable Residential Development in Urban Areas (2009) which has since been replaced and superseded by the Compact Settlement Guidelines discussed later.

5.1.5. The Galway Urban Density and Building Heights Study (2021), hereafter referred to as Galway UDBHS, does not form part of the CDP but is referenced in Chapter 3 regarding densities while Chapter 8 of the CDP and specifically section 8.8 states that in general the capacity for height will be assessed in conjunction with the development guidance set out in the Galway UDBHS which provides suggested ranges of scale and density. Section 8.8 also states that these ranges are a guide and each site should be considered on its own merits. The UDBHS identifies the site as being situated again within the 'established suburbs' area and it states the following in specific reference to the area in which the site is situated:

*'The grain of development along the Old Dublin Road leading to the lands around the Skerritt Roundabout is coarse and in stark contrast to that of the residential areas around it. The new Garda Station, GMIT and the now derelict Corrib Great Southern Hotel are an appropriate scale to this busy transport corridor. This corridor is appropriate for larger scale – denser and taller – development.'*

5.1.6. A development guidance table states that densities of 30-50dph and heights of 2-3 stories are generally acceptable in the Established Suburbs however increased densities and heights could be acceptable along key corridors such as the Dublin Road.

5.1.7. The land use zoning map of the CDP illustrates the R338 Dublin Road outside the site and an objective thereon to provide a primary cycle network and a bus route. Chapter 4 of the CDP refers to Transportation matters and Policy 4.2.2, 4.2.3 and 4.2.4 support and underpin the principle of the land use objective as follows:

*'2: Support and facilitate the integration of land use and transportation in order to facilitate compact city growth, supported by sustainable modes of transport that will encourage economic well-being and ensure the movement of people and goods in a manner that is sustainable, safe and provides ease of access for all, enhances quality of life and supports a reduction in transport related greenhouse gas emissions.*

*3: Provide for the development of high volume, trip intensive, developments such as commercial centres and employment hubs at locations that will minimise the need, distance and time taken to travel and promote the use of sustainable transport modes such as walking, cycling and public transport to access these locations.*

*4: Promote effective sustainable residential densities in the city particularly along and close to the existing and planned public and sustainable transport route network.'*

5.1.8. Policy 4.3.1 seeks to implement the Bus Connects Galway programme while 4.3.10 seeks to support a modal change to more sustainable modes of transport such as walking, cycling and public transport.

5.1.9. Policy 4.4.2 seeks to support proposals for a secondary cycle network and feeder links while policy 4.4.5 seeks specifically to facilitate cycling on the proposed Bus Connects Galway Routes.

5.1.10. Car parking standards for residential schemes are set out in Section 11.3 which divides the city into 4no. character areas. The site is situated in the 'Established suburbs' area. Section 11.3 states flexibility is applied for infill and brownfield sites and also that standards are centred on 4no. considerations as follows:

- *Parking is set at a maximum level of provision.*
- *Flexibility is encouraged where grouped car parking is provided.*

- *Reduced requirement is encouraged in mixed use areas in particular where peak demands do not coincide and where multi-purpose trips are anticipated and in circumstances where mobility management measures are deemed satisfactory.*
- *Consideration of reduction in requirements will also apply along existing and planned strategic public transport corridors depending on the prevailing level of service at that time.*

5.1.11. It also states that the car parking standards set out in Sustainable Urban Housing: Design Standards for New Apartments, 2020, should be applied for all new apartment developments and that the rate will vary depending on the context of the site. Further, it states:

*For all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing, club vehicles and cycle parking and secure storage. It is also a requirement to demonstrate specific measures that enable car parking provisions to be reduced or avoided.*

5.1.12. Section 11.3.2 sets out development management standards for residential amenity in the established suburbs and with regard to amenity standards it states that residential schemes should comply with standards specified previously in section 11.3.1 regarding the outer suburbs, but that '*in certain circumstances where the established form and layout would deem a reduction in these standards appropriate, in the interests of sustainability, architectural quality and urban design. These will be assessed on performance based criteria.*' The performance-based criteria is not specified.

## **5.2. Section 28 Guidelines**

### **5.3. Section 28 Guidelines: Urban Development and Building Heights Guidelines for Planning Authorities**

- 5.3.1. These guidelines set out national planning policy guidelines on building heights in relation to urban areas, as defined by the census. They require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. 4no. Specific Planning Policy Requirements (SPPRs) are specified and while the first two relate to plan and policy making, SPPRs 3 and 4 are more focussed on implementation and require more diversity and flexibility to secure more compact settlements and taller buildings. The guidelines set out a list of development management criteria to aid in the assessment of proposed taller buildings.

### **5.4. Section 28 Guidelines for Planning Authorities: Design Standards for New Apartments, 2023**

- 5.4.1. For the information of the Coimisiún, I note that updated apartment guidelines were published in July 2025 which supercede the above noted 2023 version. Circular letter NSP 04/2025 issued to bodies including Planning Authorities, Regional Assemblies and An Coimisiún Pleanála clarified that the new guidelines are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025. This application does not fall within the scope of that definition and therefore the 2023 guidelines apply.
- 5.4.2. The 2023 guidelines, hereafter referred to as the Apartment Guidelines, provides quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters including unit mix, car parking and minimum floor areas.

5.4.3. Section 4 of the Guidelines provides a framework for rates of car parking to be provided based on the characteristics and context of the sites location.

5.5. **Section 28 Guidelines: Sustainable Residential Development and Compact Settlement Guidelines**

5.5.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms.

5.5.2. Table 3.2 sets out Areas and Density Ranges for the tertiary cities in the state including Galway. It provides 3no. different area types set out as city centre, city urban neighbourhoods and city suburban/urban expansion. Given the descriptions provided and characteristics of the site, I consider the site falls into the category of city urban neighbourhoods as follows:

*‘The city urban neighbourhoods category includes: (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. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. 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.’*

5.5.3. Table 3.8, as referred to above, categorises areas of a settlement based on its accessibility to public transport and given the description provided, I consider the site is situated within a ‘high-capacity public transport node or interchange’ area type. Table 3.8 goes on to state that *‘highest densities should be applied at the node or interchange and decrease with distance’*.

## **5.6. Natural Heritage Designations**

- 5.6.1. The site is situated 720m north and 870m east of Galway Bay Complex Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA).

## **5.7. EIA Screening**

- 5.7.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

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

- 6.2. One appeal was received from Nora Ruane and Bernie Ruane which objects to the proposed development for the following reasons:

- Excessive scale and height which is out of character with adjoining units and does not comply with Building Height Guidelines or the Compact Settlement Guidelines. A maximum of two-three stories should be permitted in this location. Insufficient room on the site to accommodate the development.
- Significant overlooking from balconies and protruding angled windows to external amenity areas of adjoining properties. Separation distance of 1.5m does not comply with CDP standards or Compact Settlement Guidelines.
- Significant overshadowing of existing residential units. A loss of light is contrary to proper planning and legal entitlement.
- Planning history of the area demonstrates a requirement to adhere with existing pattern of single and two storey dwellings in one tenancy.

- Inaccurate and misleading application drawings means it is unclear as to the exact height of the proposed development.
- The building line is not maintained.
- Excessive traffic generation which would lead to significant congestion on Dublin Road. The additional entering and exiting manoeuvres would constitute a traffic hazard for neighbouring entrances and would impact operation of the bus lane. Applications made in 2005 for similar development in the area were refused permission for traffic related impacts and the appeal suggests the same should be the case in this instance. Ref 05/706 and 05/325 apply. Photographs are provided with the appeal demonstrating construction related vehicles associated with the redevelopment of no. 41 Dublin Road (adjacent site to the west) parking on the bus lane and footpath.
- Insufficient car parking which does not comply with the CDP and proposed layout results in unusable/inaccessible spaces. No provision for visitor space, delivery set down or emergency access. No potential to address a recommended re-design for space nos. 1, and 3 to improve accessibility.
- The Case Planners report refers to a lack of detail regarding the proposed boundary treatment however this has not been reflected in the conditions attached.
- Condition no. 19 is inappropriate. Off peak delivery times would be after 7pm in the evening which would impact residential amenity and the nearby Galway Hospice occupants. Excessive noise prior to 10am would impact residential amenity of the adjoining dwelling. Wheelwashing on the site cannot occur as the site is too small.
- Lack of documentation including:
  - Site demolition plan.
  - Waste management including asbestos.
  - Mobility Plan.
- The applicants references to the proposed Bus Connects corridor are irrelevant as it is not yet permitted. This development could be premature pending its delivery. References made to the Dawn Dairies site which has no permitted or proposed development.



- Overall concern regarding the impact to residential amenity.

### 6.3. Applicant Response

- The applicant's response includes a Shadow Profile Assessment and a Confirmation of Feasibility from Uisce Éireann.
- There is an existing mix of building heights in the area including Flannery's Hotel, ATU and the Garda building which are all tall buildings on Dublin Road close to the site. ACP recently granted permission for a 4-storey, 24-unit apartment building at nos. 46, 49 and 51 Dublin Road (ref.320955-24). There is therefore precedence for taller buildings, and the design responds to a need for a strong urban edge and increased efficiency in land use.
- The CDP and Section 18.3 of the Galway Urban Density and Building Heights Study identify Dublin Road as an appropriate and key corridor for larger scale development. The Case Planner's report considers the current development on the site is an inefficient use of serviced and zoned lands.
- 7no. car parking spaces were initially proposed however condition no. 10 requires a revision to the layout of spaces meaning there will be a minimum of 4no. spaces proposed and all parking shall be agreed in advance.
- There is an existing entrance which serves the permitted guesthouse on the site. This adjoins the Bus Connects route corridor as confirmed by the Local Authority's Active Travel section who indicated no objection to the proposal. When permitted, Bus Connects will realise an improved bus service and reduce the requirement for private cars reflecting national and regional policy. Condition no. 9 requires the applicant to liaise with the Bus Connects team and redesign the entrance to minimise impacts to the bus corridor. The response states this liaison will ensure the development is acceptable in terms of turning movements and traffic safety.
- Car parking standards in the CDP are a maximum rate with provisions made for a reduced standard. The response outlines the site's location on a strategic public transport corridor and contends the reduced provision of parking can be considered. It also suggests the site is situated in a highly accessible location as defined in the Apartment Guidelines which provides for a reduced quantum of parking. Lastly, it

suggests a lower rate is provided for in the Compact Settlement Guidelines under SPPR 3.

- The appellant considers the development does not comply with the Compact Settlement Guidelines or CDP however this is incorrect. The Case Planners report outlines how the development complies.
- It is a standard practice for conditions to be attached requiring further agreement of details prior to the commencement of development. The applicant is willing to submit boundary details prior to the commencement of development.
- With regard to the alleged lack of an environmental report, this is addressed in the Case Planners report which concludes that Appropriate Assessment issues do not arise.
- The building line does not maintain that imposed by the adjacent dwelling at no. 45 however it is in line with the general established building line on Dublin Road.
- The shadow analysis identifies how the proposed development would slightly overshadow the adjoining front garden and eastern elevation of no. 45 Dublin Road at 6pm at the spring, summer and autumn equinox. It also states that there will be no impact to light being received to the rear/southern elevation or rear garden.
- 1.5m separation distances as specified in the CDP between side elevations and boundaries are provided. Separations between the rear elevation and rear boundary wall ranges from 8.5-10.3m. This complies with SPPR1 of the Compact Settlement Guidelines which require a 16m separation between opposing windows serving habitable rooms.
- Windows on the eastern elevation will be adjacent to the front parking area of no. 45 Dublin Road and therefore not overlook any private amenity area. Obscure glass or angled windows will minimise overlooking while balconies will be provided with side walls to also minimise overlooking.
- Proposed construction hours are standard however the applicant is willing to have them reconsidered.

#### **6.4. Planning Authority Response**

- None

#### **6.5. Further Responses**

- 4-storey height is excessive and out of character with the established pattern of development. It does not comply with the Building Height Guidelines and the development should be reduced in scale to a max of 2-3 stories to address amenity, overlooking and overshadowing. The CDP requires infill buildings to be proportionate to the scale of existing building's massing and height. This is not achieved. The development does not comply with the Compact Settlement Guidelines.
- The applicant's response outlined taller buildings in the area and referred to a recent decision to grant permission for an apartment scheme (ref. 320955-24) however this will be subject to judicial review. Flannery's hotel, ATU and Garda buildings are set back from the public road and provide safe parking and access/egress. Tall buildings are not as close to the site as the applicant alludes to and it is factually incorrect to state that principle of providing 4 stories is established. References to the Dawn Dairies opportunity site closeby are irrelevant with no development proposed to date.
- The exact height of the proposed structure is not provided. Information provided on the drawings is inaccurate.
- The building line is not maintained. Some existing properties are set behind and some to the front of the building line. The proposal should adhere to the building line of all properties. Windows on the proposed eastern elevation are situated adjacent the front garden of no. 45, demonstrating how the building line is not maintained.
- Significant overlooking will occur from balconies and windows. References to a car park to the front of no. 45 are inaccurate as it is private garden and walkway for the occupant. Direct overlooking contravenes the CDP recommendations of an 11m separation while the applicants reference of SPPR1 and the required 16m separation between opposing windows is also not provided. This will constitute a significant loss of residential amenity and privacy. 11no. windows are proposed on the side elevation but only 6no. are angled. Obscure glass is not permanent.

- Significant overshadowing will occur as the shadow report illustrates the entire adjacent property in shadow. Why was the shadow analysis not prepared and submitted with the application documents? It's base mapping references the previous and now-demolished dwelling at no. 41 to the west.
- Loss of light is not addressed and it is submitted that the building will affect light to the entire property. What constitutes a major impact on amenities and a basic right to light? The lack of light would cause the adjoining property to fall into disrepair and be devalued. There is no report provided to demonstrate the impact.
- Ref. 24/19 permitted a dwelling on the adjoining land to the west which will have rooflights on the western elevation.
- Galway Hospice is close by with vulnerable occupants.
- The proposed Bus Connects project is not yet permitted and therefore there is no improved or frequent bus in place currently. References to it are premature. The Bus Connects project proposes an entrance to Flannery's Hotel. Condition no. 9 requiring liaison with the Bus Connects project team is not possible to achieve as the 'road is not yet completed and maybe sometime yet before this comes to fruition.'
- Traffic generation will result in significant congestion and a traffic hazard. References to the existing operation of the site as a guesthouse are irrelevant as it is a homeless hostel where occupants do not have vehicles and deliveries are provided by a third party.
- Car parking proposals do not comply with the CDP or SPPR3. The 3no. spaces requiring re-design have not been addressed.
- No provision for emergency access, visitors, taxis or deliveries.
- The existing property has no fire certificate.
- Site boundaries are not addressed in the application drawings or conditions. The applicant's response to submit full details prior to the commencement of development is important as damage to the adjoining appellants property is likely and will deny access to their property as well as devaluing the property.
- The following assessments are not provided:

- Traffic and Transport Assessment with a Road Safety Audit and Mobility Plan.
- Environmental Report addressing impacts on the landscape and living environment.
- Detailed landscaping proposals including planting specifications.
- Daylight and Sunlight assessment.
- Site demolition plan or removal of waste including asbestos.
- The applicant has not addressed pages 13-14 of the 'Development Management Planning Report'.
- Noisy construction work commencing at 8am could have an impact on vulnerable residents nearby. Request made to restrict noisy activity until after 10am.
- Concerns regarding structural integrity of side walls to balconies.
- References to planning history are incorrect including ref. 18/413.
- New items are being introduced including the Confirmation of Feasibility.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The site is zoned for residential purposes and therefore the principle of development is established. The proposed gross density is 111 dph while the net density is 127 dph, both of which comply with the requirements of the Compact Settlement Guidelines as well as Policy 3.5.1 of the CDP which seeks to facilitate consolidation of existing residential development and densification where appropriate.
- 7.1.2. I agree with the Case Planners assessment regarding the principle of providing increased density in this location as there is substantial policy support for such a principle.
- 7.1.3. Additionally, I note the Case Planners report raised no objection for a range of residential amenity matters including the unit mix, internal floor layout and floorspaces, storage, bin storage, open space quantum, materials, finishes, bicycle

parking, etc which were all deemed acceptable. The appeal also does not raise any concerns with such detailed design unless specified under the heading of 'other matters' later in this report. I have assessed these topics and agree with the conclusions drawn by the Case Planner. The internal and external layout are acceptable as are the proposed materials and finishes for the proposed development however some further agreement is required regarding the execution of detailed design such as the exact materials and finishes externally.

7.1.4. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows

- Building Line
- Scale and Height
- Overlooking
- Overshadowing
- Residential Amenity
- Traffic and Car Parking
- Other Matters

## **7.2. Building Line**

7.2.1. The appeal considers the proposed layout does would not maintain the front building line as the proposed structure would be situated far in excess of the adjacent dwelling at no. 45 Dublin Road to the east of the site.

7.2.2. The site is situated in of a row of single storey and two storey dwellings which extends 90m west and 75m east of the site. The building line of this row is not homogenous but has some local variances which range from a 15m set back at no. 45 adjacent the site to 6m at no. 47 on the next adjacent plot to the east. In this regard, no. 45 represents the largest set back and is somewhat of an outlier in the established building line. In such cases which have historically failed to maintain a

strict building line, I consider it appropriate that a macro view is taken of the entire row in order to identify the general or median building line.

- 7.2.3. The layout of the proposed structure would provide a setback of 6.5m which is within the established range on Dublin Road. I note the structure would be situated further to the front of no. 45 than the current layout however I do not consider this to be inappropriate or unacceptable strictly in terms of architectural or visual amenity in light of the established building line. In my opinion, the proposed setback is acceptable and will not disrupt the wider building line established across the entire row of dwellings.

### **7.3. Scale and Height**

- 7.3.1. The appellant considers the proposed 4-storey structure is excessive, out of scale and out of character with the established pattern of 2- and 3-storey buildings in the area. It contends that the proposal does not comply with the Building Heights guidelines however it does not specify the alleged non-compliance.

- 7.3.2. National and regional policy in recent years has a clear emphasis on creating more dense settlements and improving the efficiency of serviced land, particularly that which has good access to public transport. Local policy in this case adopts that approach and provides a clear direction towards increased densities and taller buildings along Dublin Road which does not correspond with the appellants suggestion that a maximum of two to three stories should be permitted. Further, the appeal refers to planning history in the area which limited development in previous decades to two or three stories in height. Each planning application is assessed on its own merits and in this context, while I note the outlined planning history, I do not consider it relevant to limit the height of proposed buildings based on that consideration alone.

- 7.3.3. In terms of site-specific context, the Building Height guidelines set out a list of development management criteria to aid in the assessment of proposed taller buildings. It states the following in relation to the scale of the district/neighbourhood/street:

- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
- *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*
- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

7.3.4. In my opinion the proposed development meets these criteria by positively contributing to the mix of dwelling typologies in the area and enhancing the key thoroughfare by creating a sense of scale and enclosure. The design is not monolithic as it has a stepped façade with varying depths as well as a stepped back top floor and a variety of finishes. The structure, in my opinion is designed to respond to the surrounding built environment and would positively contribute to the streetscape, improving the legibility of the key thoroughfare.

7.3.5. I do not consider that the height differential and juxtaposition between proposed development and the existing single and two storey dwellings in the wider row of dwellings would be excessive or out of character. It would represent a departure from the immediate established pattern however the wider area is characterised by a range of building heights including three and four stories as set out in the applicants response.

7.3.6. The guidelines also set out criteria for designs to meet at the scale of the site/building as follows:



- *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
- *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.*
- *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.*

7.3.7. I consider the design of the single block structure including its form, massing and height has maximised internal amenity for future occupants while balancing impacts to adjacent properties. I particularly note that all units are dual aspect, with a third comprising triple aspect which would provide a high level of internal amenity in terms of light, ventilation and views. Matters relating to overshadowing and overlooking are discussed in more detail in the next section of this report however in summary I conclude that the development would not significantly impact adjacent residential amenity.

7.3.8. In conclusion, I do not consider the proposed structure would negatively impact the architectural or visual amenity of the area simply by reason of scale and height.

7.3.9. Lastly in reference to the height of the building, the appeal contends there are drawing discrepancies, that the total height of the building is not provided and that the stated heights are inaccurate. I have reviewed the elevation and section drawings and note that a total height of 12.45 - 12.5m is clearly stated. A contiguous elevation drawing is provided on the same sheet as the site layout plan and it illustrates spot levels for the ridge heights on the streetscape. A ground level

temporary benchmark is provided on the site layout drawing of 100.0m which is a standard practice for such drawings with all other heights measured from that point. In this regard, the proposed roof level is stated to be 112.45m which equates with the proposed total height measurement provided. The ridge level of the adjacent no. 45 is stated to be 105.15m which reflects the 5.15m height of the pitched roof above a single storey at road level. I note this dwelling has a second lower ground floor to the rear. In my opinion there are no discrepancies or misleading information on the drawings submitted with the application.

#### **7.4. Overlooking**

- 7.4.1. Windows are proposed on the side elevations of the first, second and third floors of the proposed development however the elevation drawings suggest that obscure glazing will be fitted to all such windows including the angled windows serving kitchen/living/dining spaces.
- 7.4.2. I note the appellant suggests obscure glazing is not a permanent feature however condition no.1 of in any grant of planning permission requires the development to be constructed in accordance with the documentation submitted with the application.
- 7.4.3. In the event obscure glazing was provided to all side elevation windows then no overlooking would be afforded. I note however that the applicants response to the appeal suggests that the side elevation windows are 'obscure glass or angled to minimise overlooking'. It also states that the windows on the eastern elevation will be adjacent to the front parking area of no. 45 and will therefore not overlook private amenity space. This narrative suggests the angled windows would not be finished with obscure glazing.
- 7.4.4. The angled windows are proposed in 4no. units and in the kitchen/living/dining spaces in each case. These windows while large, do not represent the primary external view as each of these units would be served by a wide 4-5m length of floor to ceiling glazing and doors on the southern elevation in order to access the balcony. I am therefore of the opinion that the provision of obscure glazing on the side elevation windows would not negatively impact the internal amenity of the units.

- 7.4.5. On the matter of internal amenity, I note that the bathroom in unit no. 9 has no proposed window and recommend that a condition is attached to ensure a window is provided.
- 7.4.6. In this context, no overlooking is achievable from the side elevations of the proposed units to adjacent property. This complies with the requirements of SPPR1 of the Compact Settlement Guidelines which provides for separation distances less than 16m *where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces*. No. 45 Dublin Road is single storey only at the level of the road and as the majority of the proposed building is set forward of the building line of no. 45, I conclude therefore there would not be any opposing windows serving habitable rooms above ground floor between the two buildings.
- 7.4.7. Proposed windows and balconies on the front elevation overlook the public realm and any potential overlooking to the side would be extremely limited by oblique angles. Further, balconies on the front elevation would be recessed into the building which limits overlooking to the side. I also note that the front garden and front elevation of no. 45 is already highly visible from the public realm and therefore consider that any new or additional overlooking afforded to this area from the proposed development would be minor to negligible in scale.
- 7.4.8. Overlooking from balconies to the rear would also be restricted by side walls. The appellant queries the structural integrity of these walls however they form part of the overall structure and ultimately would be subject to building regulations to ensure structural stability.
- 7.4.9. The building to the rear is single storey only and therefore there are no directly opposing windows above ground floor which may be overlooked from the proposed development.
- 7.4.10. The appellant makes references to separation distances in national policy however SPPR1 of the Compact Settlement Guidelines requires a 16m separation between opposing windows above ground floor and this requirement has been met as set out above. These guidelines do not require any such separation between windows of a proposed structure to an adjacent private amenity space.

- 7.4.11. The appeal makes references to policy regarding overlooking in section 11.3.1(d) of the CDP however the entirety of section 11.3.1 refers to residential development in the 'outer suburbs' character area. As set out previously in the policy section of this report, the CDP states that the site is situated in the 'established suburbs' character area and therefore the relevant CDP section for residential development is section 11.3.2. This section does refer back to the standards outlined in section 11.3.1 but also provides for a reduction in standards in certain circumstances to reflect nuances between the two areas.
- 7.4.12. For clarity, section 11.3.1 (d) requires a separation distance of 11m between residential units in order to not directly overlook private open space. The text however says '*residential units shall generally not directly overlook*' and that '*in the case of developments exceeding 2 storeys in height a greater distance than 11 metres may be required, depending on the specific site characteristics.*'
- 7.4.13. These are therefore not standards which require strict implementation regardless of site context and circumstances. In my opinion the text provides opportunities for a reduced separation for directly overlooking open space.
- 7.4.14. In the current case, the proposed separation to the directly opposing open space to the rear is stated in the applicant's response to comprise 8.5-10.3m. The single storey units to the rear have their primary amenity space situated to the side of the unit with a 1.8-2m high blockwork wall forming the property boundary. In my opinion, this separation distance is adequate to protect residential amenity and significant overlooking is not likely to occur to the private open space of those units.
- 7.4.15. With regard to overlooking to the side and to private amenity space associated with nos. 45 and 41, I consider the degree of overlooking which would be afforded is further reduced due to the nature and angle of side views. In my opinion significant overlooking is not likely to occur to these spaces and ultimately the proposed development represents an appropriate balance between maintaining residential amenity and increasing the efficiency of serviced and zoned accessible lands.
- 7.4.16. I note the appellant makes reference to section 7.4 of the CDP in the context of separation distances and overlooking however Section 7.4 of CDP refers to the bilingual status of Galway city and its Gaeltacht areas and has no relevance which I am aware of to separation distances.

7.4.17. The appellant makes references to the 1.5m separation distance proposed between the eastern side elevation of the proposed building and the side boundary. This meets the requirements of section 11.3.1(f) of the CDP and subsequently section 11.3.2 also. The appellants concern in this regard appears to centre around overlooking however as outlined above I do not consider it likely that overlooking would occur to a degree which would significantly impact the residential amenity of adjoining properties.

## 7.5. Overshadowing

- 7.5.1. The appellant submits that significant overlooking would occur to their property as well as a loss of light throughout the building. Section 11.3.1(e) of the CDP recommends that development shall be *guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance*. The first document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', also known as the BRE Guidelines, is non-statutory guidance which sets out methodologies and assessment techniques to quantify daylight, sunlight and overshadowing. With regard to overshadowing, the latter document, which is also non-statutory guidance, refers back to the guidance provided in the former.
- 7.5.2. As noted previously, the majority of the proposed structure would be situated to the front of the front building line and front elevation of no. 45. It would be situated northwest of no. 45 and therefore the existing rear and side elevations of no. 45 which face south and east respectively would not be impacted in terms of overshadowing or daylight. Additionally, the primary amenity space to the rear of no. 45 would not be impacted as it is south facing and situated southeast of the proposed building.
- 7.5.3. The applicant submitted a shadow analysis report with their response to the appeal. I note the appellant questions when this report was prepared as the dwelling and layout of the plot at no. 41 at the west of the site is based on a previous dwelling which has since been demolished. I consider this matter is not detrimental to the

conclusions of the study due to the single storey nature of the previous and existing dwellings on that plot as well its footprint, scale, orientation, layout and distance from no. 45. I also note that the demolition and reconstruction occurred within the last 12 months and therefore verified base-mapping reflecting this change may not be readily available yet.

7.5.4. The applicant concludes that the shadow study demonstrates how the development would '*only slightly overshadow the front garden and eastern elevation*'. The appellant however considers the extent of overshadowing would have a significant impact on their residential amenity.

7.5.5. The shadow study illustrates how the proposed new structure would entirely overshadow the front garden of no. 45 during limited late afternoon/early evening periods. Some additional overshadowing would occur to the northern portion of the eastern elevation while overshadowing to the southern portion of the eastern elevation is attributable in my opinion to the existing boundary wall and hedge between the properties. There are no windows on the northern portion of the eastern elevation which could be affected by a loss of direct sunlight.

7.5.6. The study does not provide an existing scenario however having regard to the height, position and orientation of the existing two storey dwelling, I consider that the scale of change and additional overshadowing generated by the proposed structure is limited and minor. The fact that the front elevation faces north means it is already does not experience direct sunlight while the presence of large and mature trees on that property adjacent the boundary with the site also cast a significant shade over the front garden, albeit a dappled shade which has a different character.

7.5.7. I note the appellants submission regarding their use of that area and that it is not simply a car parking area. It is ultimately however a secondary amenity space for that property which is already subject to a large degree of overlooking from the public realm and overshadowing from the existing building and tall trees.

7.5.8. Section 3.3.3 of the BRE Guidelines states that the availability of sunlight should be checked for all open spaces where it will be required including '*gardens, such as the main back garden of a house*'. The guidelines do not advocate for assessing front or side gardens in such cases as they are not the primary amenity space. Having regard to the extent of existing overshadowing occurring to the area and the likely

additional overshadowing which would occur from the development itself, as well as the semi-public nature of the front garden and the extent of unaffected south facing open space to the rear of the dwelling, I do not consider that the impact of overshadowing to the adjacent property would be significant. I consider it would be minor negative in scale.

- 7.5.9. The appeal considers that the entire dwelling at no. 45 is likely to suffer a loss of light and that a loss of light is contrary to proper planning and legal entitlement. As the issue of determining rights to light is a matter for the Courts, I do not consider that the Commission is in a position to draw any conclusions in relation to the matters raised.
- 7.5.10. In terms of the impact of daylight and sunlight loss however I do not agree with the appellant that the entirety of no. 45 is likely to be impacted. The proposed development will not, in my opinion, affect the rear or western elevations of the dwelling in terms of daylight, sunlight or overshadowing due to the position of the proposed structure northwest of no. 45. The shadow study demonstrates how the north elevation and a portion of the eastern elevation would be affected. The windows in question however comprise 3no. north-facing windows which would experience a minor change from the existing degree of overshadowing.
- 7.5.11. In my opinion therefore, the layout and orientation of the proposed building means it is unlikely that any significant impact would occur to these 3no. windows which could be attributable to the proposed development. Further, as the remaining windows on the southern and western elevations would remain unaffected, I consider it is not likely that the entire dwelling would suffer a loss of residential amenity due to a loss of daylight or sunlight.

## **7.6. Residential Amenity**

- 7.6.1. The remaining residential amenity matters are discussed in this section and relate to boundary proposals and construction impacts.
- 7.6.2. Existing and proposed boundaries are not specified on the site layout drawing and it is not clear if the applicant intends to replace or revise any boundaries. Condition no. 11 requires '*All details of the materials, colours, and textures of all external finishes to the building and site boundary treatment shall be agreed in writing with the*

*Planning Authority prior to commencement of development*'. The applicant indicated a willingness to agree with this proposal while the appellant contends that agreement prior to the commencement of development is important as damage to the adjoining appellants property is likely and will deny access to their property as well as devaluing the property.

- 7.6.3. I do not consider it likely that any damage would occur to the adjacent property due to boundary changes however it is important to note that works to any party boundary would be subject to consent from the adjoining landowner in the first instance.
- 7.6.4. In my view, condition no. 11 is an acceptable mechanism to protect adjoining residential amenity and ensure appropriate boundaries are put in place however efforts should also be made to retain existing boundaries where possible in the interest of sustainability and therefore condition no. 11 should be revised accordingly.
- 7.6.5. The appellant raised a concern regarding noisy construction activity during the morning period before 10am and I note the applicants willingness to address this and liaise with the applicant. The Planning Authority attached condition no. 19(a) which restricts construction hours to 0800 hours and 1800 hours Monday to Friday and between 0900 hours and 1300 hours Saturday. I consider these are appropriate construction hours and that local arrangements can be made to restrict noisy activities if required while still facilitating other onsite activities. Overall, the short term and temporary nature of the works together with the permitted construction hours means it is unlikely that construction works would significantly impact residential amenity.
- 7.6.6. The appellant suggests that condition 19(c) which requires construction deliveries to be conducted at off peak times is inappropriate as this would result in deliveries of construction materials after 7pm. I do not agree with this however as off-peak hours in my opinion includes 10am-3pm for example which are outside of the morning and evening peak hours. I consider condition no. 19(c) is appropriate and would maintain an acceptable degree of residential amenity by ensuring deliveries do not occur outside of the permitted working hours.



## **7.7. Traffic and Car Parking**

### Traffic Impact

- 7.7.1. The appeal suggest that the proposed development would generate large volumes of traffic leading to significant congestion on Dublin Road while the additional entering and exiting manoeuvres would constitute a traffic hazard for neighbouring entrances and would impact operation of the bus lane. I note the Planning Authority did not agree with this and granted permission, albeit requiring a liaison with the Bus Connects project design team to ensure the revised vehicular entrance would comply with the new public transport corridor.
- 7.7.2. In my opinion, having regard to the low number of car parking spaces proposed on the site, the small scale of units and bed spaces proposed, the location of the site on a public transport corridor which is already subject of a high frequency bus service, together with its proximity to employment and educational facilities, I consider it unlikely that high volumes of traffic would be generated by the development.
- 7.7.3. Further, traffic generation statistics quoted in the appeal of '10-20' times the rate of a single dwelling is inaccurate in my opinion as I consider it highly unlikely that every tenant who does not have access to a car parking space on the site would be collected from the site each day in a third-party vehicle.
- 7.7.4. I also consider that the likely low quantum of traffic movements associated with the operational stage of the development are unlikely to impact the bus connects corridor, particularly so if the proposed condition no. 9 requiring liaison with the design team is attached and fulfilled. I note the appeal suggests that liaison cannot occur as the project has not yet been permitted or delivered, however in my opinion this does not preclude agreement based on the Bus Connects design and layout as currently proposed. In fact I consider condition no. 9 represents proper planning and sustainable development and is an important component of the recommended grant of permission.
- 7.7.5. I also note the appeal outlines how planning permission was refused for similar development in the area in 2005 (ref nos. 05/706 and 05/325 apply) for traffic related impacts and the appeal suggests the same approach and decision making should be applied in this instance. I disagree with this approach having regard to the policy

regime currently in place which provides clear a direction indicating how Dublin Road is suitable for intensification.

- 7.7.6. Photographs were provided with the appeal illustrating construction related vehicles associated with the redevelopment of no. 41 Dublin Road (adjacent site to the west) parking on the bus lane and footpath. Construction traffic concerns relating to an adjoining site and development are outside the scope of an appeal for a different site and I consider that enforcement matters are the remit of the local authority. In the case of the proposed development, I recommend the preparation of a Construction Environmental Management Plan which should include a traffic management plan to be agreed with the Planning Authority in advance similar to the requirements of condition nos. 8 and 19(c). This would, in my view, appropriately manage the traffic arising from the temporary construction phase.
- 7.7.7. In conclusion, I do not agree that the scale of traffic movements likely generated by the proposed development would result in significant congestion or a traffic hazard.

#### Car Parking

- 7.7.8. The site layout drawing proposes providing 7no. car parking spaces on the site however the Planning Authority attached condition no. 10(a) requiring *‘the revision or alternatively the omission of car parking spaces no. 1, 2 and 3 to ensure free access to the rear of the building and other car parking spaces provided by pedestrians, cyclists and private vehicles’*. The appellant suggests that all 7no. spaces is inadequate and would not meet the CDP standards.
- 7.7.9. I note that the CDP clearly emphasizes that proscribed car parking rates are in the first instance maximum rates, that efforts should be made to reduce the level of parking provided and maximise public transport, and that for apartment schemes, the rate of parking set out in the Apartment Guidelines applies.
- 7.7.10. In order to identify the appropriate rate of car parking to be provided, it is necessary to clarify the type of area in which the site is situated. The National Transport Authority (NTA) has a GIS mapping tool called Public Transport Accessibility Level (PTAL) mapping which indicates that the site is subject to a medium to high level of service. In my opinion this equates to classifying the site as a Central and/or Accessible Urban Location as per paragraphs 4.21 and 4.22 of the Apartment Guidelines as the site is within a 5minute walk of a high frequency bus service, the

no. 409 route which has a 10-minute frequency. The guidelines state that *'the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.'*

- 7.7.11. In this context, I consider the rate of car parking of 4-7 no. spaces is acceptable having regard to the existing availability of public transport options as well as the location of the site close to major centres of employment such as the hospital and university both in walking distance of the site. I consider condition no. 10(a) is appropriate and should be retained but an additional requirement is attached to ensure electric vehicle fixtures are provided in the interest of sustainability.
- 7.7.12. I also note the appeal outlines that the layout does not provide for emergency access or a set down space for visitors, taxis or deliveries etc. I recommend that condition no. 10 is revised to include a requirement for a set down space to the front of the building while matters regarding emergency access for fire tenders etc are addressed at the fire certificate stage.

## **7.8. Other matters**

- The existing property has no fire certificate: This is outside the scope of the current appeal and has no relevance to the proposed development. Matters regarding alleged unauthorised development are under the remit of the Local Authority.
- Inaccurate /misleading application documents: The Planning Authority accepted and validated the application and I am satisfied that the documents did not prevent the affected parties from making submissions.
- Wheelwashing on the site cannot occur as the site is too small: The site may not be able to accommodate a large wheel wash unit such as those in place at quarries however alternative wheel washing facilities can be implemented in constrained sites to ensure vehicles do not carry mud, dirt and debris onto the public road. I recommend a condition is attached which requires the public road to be kept clean and to prevent the deposition of such material onto the public road similar to the requirements of condition no. 19(e).

- The appeal suggests the following information was absent in the application documents:

- Site demolition plan: Having regard to the detached and two storey nature of the structure to be demolished which has a relatively minor footprint, I do recommend a demolition methodology is included in the CEMP to minimise impacts to residential amenity.
- Waste management including asbestos: Condition no. 14 recommends the preparation and agreement of a Construction and Demolition Resource Waste Management Plan in accordance with the EPA's requirements as well as operational waste management proposals. I agree with this recommendation and consider it would ensure waste is appropriately managed.
- Mobility Plan: As outlined previously, conditions attached to the grant of permission required the agreement of some construction related mobility matters. In my opinion the inclusion of a traffic management plan for the construction stage within a CEMP document would adequately address construction stage mobility. Further, having regard to the scale of the proposed development, the proximity of the site to a high frequency public transport corridor and the scale of car parking and bicycle parking proposed on the site, I do not consider a mobility management plan is warranted for the operational stage of the proposed development.
- The appellant suggests an Environmental Report should have been prepared addressing impacts on the landscape and living environment. I note that EIA and AA were both screened out by the Planning Authority and also in the course of this report. As demonstrated above, the scale and nature of the development is not likely to impact residential amenity or traffic and transportation matters in my opinion. There are no known sensitive habitats or species on the site which require additional assessment. The site is not situated in a sensitive landscape and there are no built heritage features on the site or in close proximity which would be impacted by the proposed development. Construction stage matters such as dust and noise will be managed by the CEMP and are ultimately temporary and short term.

- Traffic and Transport Assessment with a Road Safety Audit: Transport Infrastructure Ireland (TII) published the Traffic and Transport Assessment Guidelines in 2014 which set out thresholds where Traffic and Transport Assessment (TTAs) are required. The proposed development does not meet these thresholds and also does not, in my opinion, meet the sub-threshold criteria to prepare a TTA due to the small scale of the proposed development. With regard to a Road Safety Audit, TII published Road Safety Audit Guidelines in December 2017 which outline situations where an audit should be undertaken. Having regard to Table 1.1 of those Guidelines, I recommend a Stage 1 & 2 and Stage 3 audit is prepared and agreed with the Planning Authority.
- New items are being introduced including the Confirmation of Feasibility: The appellant and Planning Authority were both provided with a copy of the response to the appeal including the Confirmation of Feasibility and therefore had an opportunity to comment on same if deemed necessary. I consider due process has been followed accordingly.
- The appeal states that the applicant has not addressed pages 13-14 of the 'Development Management Planning Report'. It is unclear however what this reference is to. Pages 13-14 of the Case Planners report set out conditions attached to the notification to grant permission and include a range of topics including construction management, naming proposals, management companies and financial contributions. Pages 13 and 14 of the CDP comprise graphics and an introduction to the entire CDP document.
- The Planning Authority attached condition no. 6 which restricts the sale of the units to institutional buyers in accordance with Section 47 of the Planning and Development Act 2000 (as amended). The relevant Section 28 guidelines were published in July 2023 titled 'Regulation of Commercial Institutional Investment in Housing' which states:

*"planning authorities and An Bord Pleanála shall, on granting planning permission for new residential development have regard to the need to apply the following planning conditions, further to Sections 39(2) and 47 of the*

*Planning and Development Act 2000 (as amended) in respect of all housing developments that include 5 or more houses and/or duplex units:"*

The proposed development does not come within the scope of this definition as houses and duplex units are not proposed and I therefore recommend condition no. 6 is not attached.

- The Planning Authority attached condition no.7 which restricts the use of the units for short term lets. Planning permission has not however been sought for short-term letting and therefore I do not recommend that the condition is attached.
- Lastly, I note there are mature trees situated on the adjacent property to the east which may have roots within the site. I recommend that the CEMP and landscaping proposals include root protection zones and tree fencing in order to protect and maintain the integrity of the trees.

## **8.0 AA Screening**

### **8.1. Screening**

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The site is situated 720m north and 870m east of Galway Bay Complex Special Area of Conservation
- 8.1.3. The proposed development seeks to demolish the existing two storey detached dwelling and construct a four-storey apartment block with 10no. units.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. 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.
- 8.1.6. The reason for this conclusion is as follows:
  - The urban infill nature and modest scale of the works,
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity,

- Connection to existing public water services and
- Taking into account the screening report/determination by Galway City Council.

## 8.2. **Conclusion**

- 8.2.1. 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.
- 8.2.2. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 **WFD Screening**

### 9.1. **Screening**

- 9.1.1. The subject site is located 760m north of Ballyloughane Beach and Galway Bay while Lough Atalia is situated 870m west of the site.
- 9.1.2. The proposed development seeks to demolish the existing two storey detached dwelling and construct a four-storey apartment block with 10no. units.
- 9.1.3. No water deterioration concerns were raised in the planning appeal.
- 9.1.4. 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.
- 9.1.5. The reason for this conclusion is as follows:
- The urban infill nature and modest scale of the works.
  - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
  - Connection to existing public water services.

## 9.2. Conclusion

- 9.2.1. 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.

## 10.0 Recommendation

I recommend that planning permission is granted in accordance with the conditions set out below.

## 11.0 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 Galway City Development Plan 2023-2029, specifically Policy 3.5.1 regarding sustainable neighbourhoods: established suburbs, the established pattern of residential development in the area, the nature and scale of the proposed development, 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 Guidelines for Planning Authorities: Design Standards for New Apartments, 2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of density, would not result in the creation of a traffic hazard, and would not seriously injure the amenities of neighbouring properties in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.
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	<p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) Details of the materials, colours and textures of all the external finishes to the proposed structures including the apartment block, bin/bicycle storage and boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Colour photographs and/or brochures of the proposed brick and cement tile cladding shall be submitted, and the brick and cement tile colour finish shall reflect the natural palette and geology of this area of Galway.</p> <p>(c) Any proposed works to party boundaries shall be accompanied by a letter of consent from the adjoining landowner.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>(a) Prior to the commencement of development revised drawings shall be submitted for the written agreement of the Planning Authority including providing a window to the bathroom of unit no. 9.</p> <p>(b) All side elevation windows shall be finished permanently with obscure glazing.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>There shall be no plant, ducting, water tanks, television aerials, satellite dishes or telephone receiving/transmission equipment erected above roof level or on external walls without a further grant of planning permission notwithstanding exempted planning and regulations.</p>

	Reason: In the interest of orderly development and the protection of visual amenities.
5.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
6.	<p>(a) A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall be prepared by a qualified landscape architect and shall include the following:-</p> <p>(i) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p>

	<ul style="list-style-type: none"> <li>(ii) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</li> <li>(iii) details of proposed street furniture, including bollards, lighting fixtures and seating;</li> <li>(iv) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;</li> <li>(v) A schedule of landscape maintenance;</li> <li>(vi) Tree protection measures for mature trees adjacent to the site.</li> </ul> <p>(b) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and completed prior to occupation of the units.</p> <p>(c) On completion of the landscaping/amenity scheme for the development, the developer shall submit to the Planning Authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme.</p> <p>(d) The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock.</p> <p>(e) A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which</p>

	<p>the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
8.	<p>Proposals for a name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
9.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
10.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>

11.	<p>Prior to commencement of development the developer shall liaise with the Dublin Road Bus Connects Project Design Team, regarding right turning traffic entering and exiting the development site. The development shall be completed in accordance with the agreed details.</p> <p>Reason: In the interests of proper planning and sustainable development of the area and traffic safety.</p>
12.	<p>(a) Prior to the commencement of development the developer shall submit a Stage 1 &amp; 2 Road Safety Audit for the written agreement of the Planning Authority.</p> <p>(b) A Stage 3 Road Safety Audit shall be submitted for the written agreement of the Planning Authority prior to occupation of any units.</p> <p>Reason: In the interest of traffic and vulnerable road user safety.</p>
13.	<p>Prior to commencement of development revised drawings shall be submitted for the written agreement of the Planning Authority including the revision or alternatively the omission of car parking spaces no. 1, 2 and 3 to ensure free access to the rear of the building and other car parking spaces provided by pedestrians, cyclists and private vehicles. The development shall be completed in accordance with agreed details and shall include the following:</p> <p>(a) A Set down space</p> <p>(b) The car parking spaces shall be adequately delineated.</p> <p>(c) The car parking spaces provided within the development shall be reserved for exclusive use of the residential occupiers of the development.</p> <p>(d) All parking spaces shall be fitted with functional electric vehicle charging points or as otherwise agreed with the Planning Authority.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development.</p>
14.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall</p>

	<p>provide details of intended demolition and construction practice for the development including:</p> <ul style="list-style-type: none"> <li>(a) community liaison,</li> <li>(b) noise and dust management measures,</li> <li>(c) off-site disposal of construction/demolition waste including a Construction and Demolition Resource Waste Management,</li> <li>(d) Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&amp;D Projects (2021),</li> <li>(e) Traffic and delivery management during the construction phase including measures to ensure the bus lane is not impeded. Deliveries of all construction materials to the site shall only occur during off peak times.</li> <li>(f) Tree protection details including root protection zones.</li> <li>(g) Measures to prevent the deposition of soil, dirt and debris on the public road and footpath.</li> </ul> <p>Reason: In the interest of public safety and amenity</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, between 0900 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the</p>

	<p>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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
17.	<p>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 of roads, footpaths, watermains, drains, 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 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 Coimisiún Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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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Sarah O'Mahony  
Planning Inspector

27<sup>th</sup> August 2025



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322672-25
<b>Proposed Development Summary</b>	demolish the existing two storey detached dwelling and construct a four-storey apartment block with 10no. units
<b>Development Address</b>	43 Old Dublin Road, Renmore, Galway
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units. The proposal comprises 10no. units.</p> <p>Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The site comprises 0.09ha.</p> <p>Class 14: Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</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"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

## Form 2 - EIA Preliminary Examination

Case Reference
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

<p><b>Characteristics of proposed development</b></p> <p>(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>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to the existing building or developments in the area.</p>
<p><b>Location of development</b></p> <p>(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>	<p>The subject site is not located in or immediately adjacent to ecologically sensitive sites. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> <p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended and no significant impacts are predicted from proposed demolition due to the scale of the demolition to be carried out.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p> <p>Having regard to the nature of the proposed development and works constituting development within an urban area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

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