



An
Coimisiún
Pleanála

Inspector's Report

ACP-323042-25

Development

Change the use of three vacant ground floor commercial units to three number apartments and to change the use of an adjacent vacant shell core unit, to nine number apartments. Permission is also sought for elevational changes to both blocks, along with changes to the site to allow for a change in car parking layout, amenity space, and boundary treatments. The gross floor space of proposed works is 1186sqm.

Location

Dominic Street, Portumna, Co.
Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2560537

Applicant(s)

Sharpdale Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions

Type of Appeal

Third Party

Appellant(s)

Mr. Michael Collins.

Observer(s)

None

Date of Site Inspection

6th October 2025

Inspector

Carol Hurley

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1.0 Site Location and Description

- 1.1. The application site is located on the northeastern side of Dominic Street, Portumna, Co. Galway.
- 1.2. The subject site has a stated area of 0.461 hectares.
- 1.3. At time of site visit, I observed that the existing development on the site is incomplete and is in a dilapidated state with many windows broken and shells of units being used for dumping. That development comprised 14 no. residential units over 6 no. ground floor commercial units, in two blocks (A and B). The development is served by extensive surface car parking at the rear of the site. The residential units were not occupied.
- 1.4. There was one unit which appeared occupied by a takeaway/ restaurant but was not open at time of site visit.
- 1.5. There is an existing residential development, Bruach an Chaladh on the adjoining lands to the northeast.
- 1.6. Dominic Street runs parallel to Clonfert Avenue (N65) which provides the main retail area of Portumna. Dominic Street appears generally quiet and predominantly residential in nature.
- 1.7. The vehicular access to the car park serving SuperValu is accessed off Dominic Street to the southwest of the subject site. The lands on the opposing side of Dominic Street are subject to a recent grant of permission for the construction of a discount Supermarket.

2.0 Proposed Development

Block A

- 2.1. The proposed development consists of the change of use of three vacant ground floor commercial units into 3 no. two bed apartments within Block A (the smaller of the two blocks)

- 2.2. Each of these units are proposed to be served with private amenity space to the rear. The private amenity space would appear to be partially covered by the deck access and private amenity space above serving the existing apartments at first-floor level.
- 2.3. The primary access to these units is via the front (northeastern) elevation. However, it is also noted that an additional access from the rear is proposed via bedroom no. 2 to a shared laneway.

Block B

- 2.4. The development proposes the change of use of the ground floor vacant shell core unit, to nine apartments within Block B (the larger of the blocks), comprising 5 no. two bed apartments and 4 no. one bed apartments.
- 2.5. The proposed development includes for elevational changes to both blocks.
- 2.6. Drawing No. 1957-PFC-XX-DR-P-010 ‘Proposed Block A Drawings’, ‘Proposed Front Elevation’ of Block A indicates modest amendments to the window opes however the signage board on the front elevation remains.
- 2.7. Elevation Changes to Block B include for the removal of the stone clad finish from all elevations. Other elevational changes include for window opes and doors and the addition of private amenity areas.
- 2.8. Five windows serving bedrooms and two external access doors serving units B7 and B8 are proposed to be included along the northeastern elevation at ground floor level.
- 2.9. The development includes for changes to the site to allow for a change in car parking layout, amenity space and boundary treatments.
- 2.10. 47 no. car parking spaces are proposed to be provided. Car parking would be located around the perimeter of the site.
- 2.11. A rectangular area of amenity space with a stated area of 272sqm is proposed to be located within the centre of the site.

Key Figures	
Site Area	0.461 hectares

Overall Unit Numbers (existing and proposed)	26	
Two Bed Units	20	77%
One Bed Units	6	23%
Density	56.3	

3.0 Planning Authority Decision

3.1. Decision

On the 25th June 2025 Galway County Council granted planning permission for the proposed development subject to 15 no. conditions.

The conditions are generally standard, including the following,

Condition No. 9 - requires that all residential units be provided with functional electric vehicle charging points, with details to be agreed with the Planning Authority prior to commencement of development.

Condition No. 14 – requires the lodgement of a bond with the Planning Authority to the value of €84,000.

Condition No. 15 – requires the payment of a Financial Contribution in accordance with Section 48 of the Planning and Development Act, 2000 (as amended) to the value of €57,561.00.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 24th June 2025 sets out the site description and development proposal, planning history, pre-planning, planning policy, consultations, summary of the submissions received, Environmental Screenings, Planning Assessment which includes assessment in relation to servicing and transportation.

No concerns were raised in relation to the proposed development. The assessment concluded that the proposed development would be acceptable, and a grant of permission was recommended subject to 15 no. conditions.

3.2.2. Other Technical Reports

There were no technical reports associated with the assessment.

3.3. Prescribed Bodies

Referrals were sent to the following Prescribed Bodies, and no reports were received by the Planning Authority;

- Uisce Eireann
- Department of Housing Local Government and Heritage
- An Taisce
- The Heritage Council
- Failte Ireland

3.4. Third Party Observations

Third Party submissions to the Planning Authority can be summarised as follows;

- The proposed development would result in an almost entirely residential complex.
- Proposal does not accord with the C1 Zoning Objective to provide for an appropriate mix of uses.
- Use of permitted primary care centre should be maintained.
- Contrary to the Portumna Small Growth Town Policy.
- Applicant should be requested to increase the ratio of commercial / residential which would support the Settlement Hierarchy.
- The potential of the existing structure at ground floor level should be further considered in accordance with the Policy Objective for Town Centre/Commercial.
- Planning policy should be to encourage the economy of a town.
- Non-compliance with the Sustainable Urban Housing Design Standards – Guidelines for Planning Authorities and associated residential amenity

concerns – unit mix would not attract families, certain units have no private open space, limited direct street access, no proper green play area, lack of external storage (bike / bulky storage) use of the laneway to the side and potential for anti social behaviour, loss of outlook from first floor apartments, over-looking of adjacent houses.

- Additional opes added to the eastern elevation at ground floor level.
- Services required for residential use in Portumna town is not available (schools, childcare, doctors)
- Mixed tenure housing is more sustainable for building healthy communities.
- Parking conflicts with existing surrounding established uses.
- Traffic safety
- No reference made to the Core Strategy.
- Infrastructure constraints (sewage and traffic)

4.0 Planning History

052437

Permission granted on 4th October 2008 for the demolition of an existing building. The construction of a 1 no. large retail unit (of 1022 sq.m.) with 8 no. two bedroom apartments and 1 no. one bedroom apartment overhead including courtyard. The development also included the construction of 5 no. terraced retail units (of 79 sq.m. each) with 5 no. terraced two bedroom apartments overhead, 1 bin/recycling store, including on site car parking, including all other ancillary site works at Dominic Street.

08202

Permission granted on 25th March 2008 for the retention and completion of planning ref. 05/2437 which will consist of external elevational changes and internal alteration, which includes the provision of a lift and lift shafts to large retail unit and apartments and terraced retail unit and apartments. (gross floor space 2433.07sqm).

08457

Permission granted on 15th April 2008 for the amalgamation of 2 retail units, previously granted under PI. REf. no. 05/2437, into 1 Take away/Restaurant Unit. (Gross floor area 155.71sqm).

171596

Permission granted on 11th January 2018 for the change of use of a ground floor retail unit previously approved under planning file reference 05/2437, to use as a Primary Care Centre. Permission was also granted for alterations to the finishes and elevations of the existing building and to retain and complete nine number first floor apartments, also previously approved under planning reference 05/2437.

Site to the Southeast

1166 – Extension of duration granted on 9th March 2011 for the construction of 42 no. semi-detached dwellings, sixteen two bed townhouses and 4 detached houses. The permission would cease to have effect on 8th March 2016. (Original Reference **05/1663** – Grant permission on 13th February 2006 for the construction of 42 no. semi-detached houses, sixteen two-bedroom townhouses and four detached houses. (As per Condition No. 1, permission was for 36 semi-detached houses, 11 two-bedroom townhouses and 7 detached houses).

Site to the Northwest

ABP-315409-22 (2260734) Permission granted on the 9th April 2025 for the construction of a discount food store supermarket with ancillary off licence.

5.0 Policy Context

5.1. Galway County Development Plan 2022-2028

Section 2.3.10 Galway's Core Strategy

- Support the Small Growth Towns and Small Growth Villages as areas for local services, residential and employment potential;

Policy Objectives

CS 2 – seeks to achieve compact growth through the delivery of new homes in urban areas within existing settlements by developing infill, brownfield and regeneration sites.

CS4 – seeks to promote measures to reduce vacancy and the underuse of the existing building stock.

CS5 – sets out that it is a policy objective of the Planning Authority to support the delivery of the population projections within the different settlement tiers of the Core Strategy.

Section 2.4.3 Settlement Hierarchy

Portumna falls within Settlement 5, designated as a Small Growth Town which is described as ‘Small Towns with local service and employment potential. There is a need to promote regeneration and revitalisation of towns and support local enterprise and employment opportunities to ensure their viability as service centres for surrounding rural areas.’

Section 2.4.9 Small Growth Towns

The towns listed in this category have an important function in supporting the development of local areas. The residential development will be proportioned to the growth of the towns. The growth strategy will focus on the localised sustainable growth that meets the needs of the local population and wider hinterland. Economic and employment related development that would strengthen the local employment base and reduce the dependence on commuting will be supported where appropriate. Volume 2 of this plan provides a Written Statement and associated Land Use Zoning Maps.

SS5 – Seeks to protect and strengthen the economic diversity of the Small Growth Towns enabling them to perform important retails, service, amenity, residential and community functions for the local population and rural hinterlands.

PM9 – seeks to provide an appropriate mix of uses and densities in settlements that are responsive to the needs of people. The policy objective also seeks to encourage a greater use of backland areas and the promotion of redevelopment of sites in the town centre.

CGR1 – requires an efficient use of the lands and supports national policy objectives to achieve compact growth.

CGR8 – encourages a range of appropriate uses in town and village centres that will assist in the regeneration and reuse of vacant and under utilised buildings and land.

UL1 – refers to the development of infill sites.

UL2 – Layout and design to comply with the principles of good placemaking in the delivery of residential development.

UL3 – seeks to promote a mix of house type and sizes.

UL5 – seeks to provide well planned and considered open space.

Table 7.10 – Indicative Infrastructure Capacity for Core Strategy Settlements identifies limited capacity for wastewater and water in Portumna.

Map 8.2 Landscape Sensitivity, Portumna is categorised as being within the Special Landscape Sensitivity

TLS1 – seeks to support the traditional local services such as small shops, post offices etc and acknowledge their important role in communities and smaller settlements.

AH4 – seeks to protect, conserve and enhance the special character of the Architectural Conservation Areas.

Table 15.1: Residential Density – Small Growth Towns - Town/Village Centre/Infill/Brownfield – recommended density of 16 or Site Specific.

DM Standard 2: Multiple Housing Schemes (Urban Areas) - Development of infill and brownfield sites for residential or mixed use will be supported in suitable town and village centre locations. It is submitted that 'ideally centrally located brownfield developments should include a level of ground floor activity such as retail, office or commercial to increase footfall in the surrounding area'. The wording further sets out that where this is not possible a clear justification is required. Such development must respect the character and appearance of the settlement and contribute to the delivery of good placemaking.

Infill proposals should consider, existing pattern of development, density, residential impact, provision of private amenity, car parking standards and building orientation.

A degree of flexibility may apply to infill sites that cannot facilitate certain standards, particularly if it contributes to sustainable compact development.

This standard also considers opportunity sites, density and typology, building heights, public open space, natural features, design innovation, landscaping, safety and security, traffic management, cycling facilities, phasing of development, side boundaries, naming and numbering, layout, taking in charge, unfinished estates, overshadowing, bin storage and dwelling mix.

DM Standard 3: Apartment Developments (Urban Areas) sets out that the design of apartment type development should be guided by the Design Standards for New Apartments - Guidelines for Planning Authorities (2018) (or as updated/superseded) in relation to all issues in relation to apartment development. In general apartments are only considered appropriate in town centres.

DM Standard 31: Parking Standards –

c) Parking in Residential Areas, sets out that residential layouts should not be dominated by car parking along access roads. Criteria are provided for new residential development to take account of.

d) Car Parking Standards –

Dwellings/Apartments (1-3 bedrooms) 1.5 Spaces Per Dwelling

f) Bicycle Parking Standards - Housing Developments: 1 private secure bicycle space per bed space (note - design should not require bicycle access via living area), minimum 2 spaces 1 visitor bicycle space per two housing units

g) Electric Charge Points Spaces

- All developments should provide facilities for the charging of battery operated cars at a rate of up to 20% of the total car parking spaces. The remainder of the parking spaces should be constructed so as to be capable of accommodating future charging points, as required.
- New residential development should accommodate at least one car parking space equipped with an EV charging points for every five car parking spaces being provided for the associated development.

i) Visual impact of car parking

Large areas of extensive parking in public view should be avoided. Carparking should be located to the rear of buildings and services. The visual impact of large areas of parking should be reduced by the use of screen planting, low walls and the use of different textures or coloured paving for car parking bays.

DM Standard 62: Energy Efficiency in Buildings

Proposals for residential and commercial development to specify at planning application stage, proposals for a target percentage of electricity usage in new developments to be derived from renewable energy resources.

Require a performance based Building Energy Rating (BER) target for all new building developments greater than 10 dwellings or greater than 1,000m² floor area for non-residential and mixed developments.

Accordingly, it will be a requirement that all planning applications submitted to the Planning Authority shall include a statement from a competent and qualified person certifying that the proposed development conforms to the energy rating outlined above.

Volume 2

Small Growth Towns

Zoning – C1 Town Centre/Commercial with a stated policy objective ‘To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic/community uses and to provide for “Living over the Shop” scheme Residential accommodation, or other ancillary residential accommodation’

SGT 3 – Town Centre – Town Centres to remain as the primary focus for the location of new retail and commercial development. To protect and enhance the vitality and viability of town centres by ensuring that they remain the primary retail, commercial and mixed use centre and prohibit a proliferation of any individual use which in the opinion of the Planning Authority do not contribute to the vitality and viability of town centres.

SGT 4 – Town Centre Management – seek to prepare Town Centre Management Plans for the various Small Growth Towns.

SGT 12 – High Quality, Contextually Sensitive Design – ensuring that developments are responsive to their site context and in keeping with the character, amenity, heritage, environment and landscape of the area.

SGT 12 – Social and Specialist Housing – Requiring that a minimum of 20% of all new eligible residential sites are set aside for the development of new social and specialist housing units.

Section 9.3.1 ‘Housing’ sets out that Portumna is delineated by two parallel, intersecting roads, St.Brendans Street / Clonfert Avenue and Abbey Street intersected by St.Brigids Avenue/ St.Patricks Street and this area has been the focal point for the town, playing a pivotal role in the administrative, commercial, cultural, recreational, residential and community functions of the Town.

Section 9.3.6 ‘Town Centre/Retail’ describes Portumna as having a mix of both convenience and comparison shopping with a large Supervalu Supermarket towards the east of the town centre with ample off street parking as well as a good number of restaurants and ample provision of medical services, bars and business services dispersed throughout the identified retail core. Vacancy within the retail core is mentioned and the retail focal point of Portumna is described as being split between the town core and the Aldi retail complex westwards of the centre.

PSGT 1 – Sustainable Town Centre, seeks to promote the development of Portumna with an appropriate mix of uses, including residential, commercial, service, tourism etc. The town centre and associated main street shall remain the primary focus of retail and service activity.

PSGT 2 – Sustainable Residential Communities, seeks to promote the development of appropriate and serviced lands to provide for high quality, well laid out and well landscaped residential communities with an appropriate mix of housing types of densities. The Plan seeks to specifically encourage living over the shop which can contribute to the vitality of the core and extend activity beyond business hours.

5.2. National Planning Policy

5.2.1. National Planning Framework First Revision

National Policy Objective 24

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

National Policy Objective 25

Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

National Policy Objective 26

Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

5.3. Regional Planning Policy

5.3.1. Regional Spatial Economic Strategy (Northern and Western Regional Assembly)

Compact growth will be pursued to ensure sustainable growth of more compact and urban and rural settlements to be supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth.

RPO 3.1 – Seeks to develop urban places of regional scale through a number of factors including the development of derelict and underutilised sites with an initial focus within town core areas.

RPO 3.4 – Seeks to support the regeneration and renewal of small towns and villages in urban areas.

5.4. Section 28 Guidelines

5.4.1. Sustainable Urban Housing: Design Standards for New Apartments (2023)

SPPR1 – Housing Mix

SPPR3 – Apartment Floor Area

SPPR4 – Aspect

SPPR5 – Floor to ceiling height

SPPR6 - Life Core

5.4.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

The strategy for all small to medium sized towns is to support consolidation within and close to the existing built footprint.

SPPR1 – Separation distances – There shall be no specified minimum separation distance at ground level and shall be determined on a case by case basis to prevent undue loss of privacy.

Policy and Objective 5.1 – Public Open Space – It is an objective of these Guidelines that statutory development plans include an objective(s) relating to the provision of public open space in new residential developments. The requirement in the development plan shall be for public open space provision of not less than 10% of net site area and not more than 15% of the net site area.

5.5. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The site is located c. 325m to the northwest of River Shannon Callows pNHA (000216).

The site is located c.325m to the northwest of the Special Area of Conservation for River Shannon Callows (000216) and the Special Protected Area for Middle Shannon Callows (004096)

The site is located c. 803m to the northeast of the Special Area of Conservation for Lough Derg, Northeast Shore (002241) and c. 1.5km to the northwest of the Special Protected Area for Lough Derg (Shannon) (004058).

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment. 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.

See completed Form 1 and 2 on file.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of the 3rd Party Appeal lodged by Mr. Michael Collins, Secretary of Portumna Chamber of Commerce can be summarised as follows;

- Proposed development would result in a solely residential development which would not support the zoning requirement for an appropriate mix of uses.
- Would contravene all four sections of the Policy Objectives for Portumna under Section 9.1.
- Development does not meet the 30/70 commercial/residential ratio which would not support the Settlement Hierarchy as set out the Development Plan (Section 2.4.3)
- There are ample lands zoned for residential use within the Portumna Local Area Plan.
- Acknowledge the housing crisis however this development was originally designed and partially developed to be a mixed-use development.
- Contends applicants' submission that there is no demand for commercial units at this location as being speculative.

- Residential amenity concerns such as certain units have no private amenity space and instances of over-looking.
- Applicant has not referred to the Core Strategy.

7.2. Applicant Response

The applicant's response to the third-party appeal can be summarised as follows;

- Applicants acquired the property in 2017.
- Retail units in Block A were advertised for lease, and no expressions of interest were received.
- In 2017, permission was granted for the change of use of the retail unit in Block B to use as a primary care centre. Due to constraints this project became unfeasible and was abandoned.
- Applicants were approached by an Approved Housing Body regarding the possibility of use of the ground floor for residential use.
- Contends that the proposed development accords with the objectives of the Development Plan.
- Refers to the Portumna Small Growth Town LAP which recognises the surplus of vacant retail units within the town centre. The proposed development accords with PSGT1 and PSGT2 and submits that PSGT3 and PSGT4 are not directly applicable in this context. The appellants claims that the development would be contrary to all four policies is therefore incorrect.
- Acknowledges that Units B7 and B8 do not have private amenity space but these significantly exceed the minimum internal floor area standards. Suggest that space can be allocated on the eastern side of the site.
- In terms of residential impact there are no changes proposed to the first-floor elevations and no additional over-looking or adverse impacts are introduced beyond the existing condition.
- The proposed development is compliant with the Core Strategy.

7.3. **Planning Authority Response**

None

7.4. **Observations**

None

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the proposed development and Land use
- Density and Core Strategy
- Residential Amenity
- Residential Impact
- Visual Integration
- Other Matters
- Water Framework Directive Screening
- Appropriate Assessment

8.2. **Principle of the proposed development and Land Use**

8.2.1. The nature of the proposed development seeks to change the use of retail / commercial units within Block A to three apartments and to also change of use of the vacant shell commercial core unit within Block B to nine apartments.

8.2.2. With reference to Block A, I note that one overall unit which received permission for the amalgamation of two units is currently in use as a takeaway and restaurant. A further unit was also previously in use as an Auto Shop however the remaining two units appear to have never been in operation as retail or commercial uses.

- 8.2.3. Similarly, the ground floor unit within Block B is unfinished and has never been used for the purposes of retail.
- 8.2.4. Within Block B, I also note that planning permission was granted under Reference 171596 for the change of use of the originally granted retail unit into use as a primary care centre. From review of the documents associated with Reference 171596, no 3rd party concerns were expressed in relation to the change of use which was also a departure from the permitted retail, albeit to a medical setting.
- 8.2.5. The appellant submits that the granting of permission for this development has removed the opportunity to provide some new local enterprise and badly needed sustainable employment opportunities.
- 8.2.6. I also note that the appellant refers to the extent of lands zoned for residential use within the Portumna Local Area Plan. I note the Portumna Local Area Plan expired in 2022.
- 8.2.7. The appellant also refers to the recommended 30/70 commercial/residential ratio. I note this issue was not raised in the assessment of the Planning Authority nor can I see a reference to such ratio in the Development Plan.
- 8.2.8. I acknowledge the appellants concerns however I would also submit that the original grant of permission on the lands for retail development was in 2005 with the subsequent permitted change of use to primary care centre granted permission in 2017. I would submit that given the passage of time including the interim change of use permission, to refuse permission for the proposed development on the basis of eliminating opportunities for local enterprise and employment opportunities would be onerous and would likely maintain the dilapidated status of the site.
- 8.2.9. The appellant submits that the applicants claim that there is no demand for commercial units at this location is speculative. The applicant, in response to the 3rd party appeal submits that engagement had been undertaken with letting agents over several years for the units in Block A to no avail. It is submitted that no commercial interest was expressed in either block. As noted above, the applicant sought permission for the change of use of Block B in 2017. Based on the information provided, I contend that the appellant has also not provided evidence to the contrary of this speculative claim.

- 8.2.10. During my site visit, I observed that Clonfert Avenue which runs parallel to the subject site appears to form the core retail area with Dominic Street comprising less retail and appearing predominantly residential in nature. The subject site, in my opinion is located at the edge of the designated town centre. At the time of my site visit, on a Tuesday afternoon, Clonfert Avenue appeared busy.
- 8.2.11. I note that there is an existing Aldi on the western side of Portumna, Supervalu is located c. 163m to the southwest of the site which has its main entrance onto Clonfert Avenue and vehicular access off Dominic Street, in addition to a recent grant of permission for a Lidl Supermarket on lands to the immediate northwest of the subject site on the opposing side of Dominic Street.
- 8.2.12. I acknowledge the concerns of the 3rd party appellant regarding the loss of retail from the existing development. I note that within the Zoning Matrix within Small Growth Towns (Volume 2) that apartments are listed as being permitted in principle within the C1 Zoning Objective. Apartments are permitted in principle without a caveat that requires such use to be provided in tandem with retail/commercial use. I therefore consider that there is no restriction on exclusive residential use of lands zoned C1 'Town Centre' I acknowledge that within a town centre the preference would be for an 'active' use at ground floor level, however in the context of the subject site's location outside of the immediate of the core town centre area, I do not consider that the development if permitted would be detrimental to the character or the vibrancy of streetscape. Having regard to the wording of DM Standard 2, I do not consider that to permit the proposed development would constitute a material contravention of the Development Plan. I have further considered the wording of PSGT2 which seeks to 'Specifically encourage living over the shop which can contribute to the vitality of the core and extend activity beyond business hours'. Given the location of the subject site and the wording of PSGT2 which enables flexibility rather than a requirement, I would consider that the proposed residential element would not be a material contravention of the Development Plan.
- 8.2.13. I also refer to Section 3.6.5 'Town and Village Centre' of the Development Plan) which in certain circumstances enables the consideration of residential use at ground floor level where there is no viable prospect of commercial activity. This policy is also similarly reflected in the wording of DM Standard 2 of the Development Plan. As mentioned above, the subject site is not located within the immediate retail core area

and in my opinion the introduction of residential use with private amenity space to the front would introduce more activity to the streetscape than the current unfinished development which has no active integration.

8.2.14. From my assessment of the above and the specific Objectives of the Development Plan, in my view, would not be sufficiently specific to justify the use of the term 'materially contravene' in terms of normal planning practice. The Commission should not therefore consider itself constrained by Section 37(2)(b) of the Planning and Development Act 2000, as amended.

8.2.15. In this regard, I consider that the principle of the proposed development would be acceptable and would contribute to providing for the development and particularly, improvement of appropriate town centre uses .

8.3. **Density**

8.3.1. The development proposes the provision of 12 no. residential units. There are currently 14 no. residential units permitted and constructed at first floor level between Block A and B on the site. In my opinion, the assessment of density must consider the overall quantum of residential units on the site, i.e. 26 and the quantum of the proposed development cannot be considered in isolation.

8.3.2. The overall density of the site of the dwellings per hectare would therefore be 56.3.

8.3.3. Section 3.6.3 of the Galway Development Plan sets out that a Density Typology Study will be carried out to establish a strategy for applying the appropriate level of density across the county. The report of the Planning Authority did not reference such study and it does not appear that this study has been carried out or adopted.

8.3.4. Table 15.1 of the County Development Plan sets out density ranges for the designated settlements and also refers to Circular 02/21. Portumna is classified as a Small Growth Town with the recommended density being 16 dwellings per hectare or site specific for town centre/infill/brownfield or 10-12 for edge of centre/greenfield. Portumna is not well connected by public transport. I would submit that proposals must accord with the requirements of the relevant settlement category to ensure that the development is directed to the most appropriate locations and is proportionate to the character of the area. Given the overall density of the site, I would consider that the proposed

development would be a Material Contravention of the Development Plan as it would significantly exceed Table 15.1.

- 8.3.5. Section 2.0 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023 would categorise Portumna as being a Peripheral and/or Less Accessible Urban Location. A density of broadly <45 dwellings per hectare would be recommended.
- 8.3.6. As per the Sustainable and Compact Settlements, Guidelines for Planning Authorities, Portumna would fall into the category of Small and Medium Sized Towns (1500-5000 population). As per table 3.6 of the same Guidelines I would submit that the site being located on the edge of the town centre and adjoining an established residential development would be considered 'Small / Medium Town Edge' with a suggested density range of 25-40 dwellings per hectare. As per Section 3.4, 'Refining Density' I would contend that the site would be considered peripheral.
- 8.3.7. Notwithstanding the current Guidelines for Planning Authorities as issued by the Department of Housing Planning and Local Government, the Galway County Development Plan 2022-2028 has not been varied to take account of changes to density quanta.
- 8.3.8. Having regard to the above, the proposed density would also exceed the recommendations and guidance within the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities and Sustainable and Compact Settlements, Guidelines for Planning Authorities.
- 8.3.9. In my opinion there would be no compelling policy to contravene the standards set out in the Development Plan. I acknowledge that density is not the sole determinant as to whether a development is acceptable or not and that the subject built footprint is not being amended, merely unit numbers are being increased.
- 8.3.10. I also acknowledge the housing shortage concerns and that the redevelopment of the site would significantly address the visual impact arising from the incomplete state. However, the intensity of the development would be increased to an extent that creates implications for the general layout and consequently gives rises to impact associated with the residential amenity for the future occupants of the apartments and of the adjacent dwellings.

8.3.11. In this regard I would contend that the constraints of the conversion of the existing buildings with an overall density of dwellings per hectare of 56.3 is indicative of an inappropriate infill development and would be excessive in the context of the site's peripheral location.

8.4. Core Strategy

8.4.1. The appellant submits that the applicant did not refer to or demonstrate that the proposed development would comply with the Core Strategy.

8.4.2. The applicant, in response to the 3rd party appeal states that the proposed development is compliant with the Core Strategy and wider Development Plan policies.

8.4.3. The report of the Planning Authority does not specifically refer to the Core Strategy however, the report concludes that on the basis of the scale of the proposed development, it was considered that the development would be in accordance with the proper planning and sustainable development of the area.

8.4.4. Section 2.3.13 of the Galway County Development Plan 2022-2028, sets out the Core Strategy Map and associated table. The housing allocation between 2022-2028 is stated to be 201 units with 60 units to be provided on Infill / Brownfield sites and 141 units to be delivered on Greenfield sites with an overall total land required of 12.9 hectares.

8.4.5. I note that within Volume 2, Section 4.0 'Small Growth Towns', Table 4.1 details the Population Projection for the period 2022-2028 as being 300, the Residential Units as being 120 and the quantum of residential lands required as being 8.8 hectares.

8.4.6. I acknowledge the apparent inconsistency with the information outlined above between the Core Strategy and the Small Growth Towns document. I have reviewed recent planning history for residential development in Portumna. Based on the Core Strategy, it would appear to me that including the proposed development of 12 no. units, the total units permitted over the lifetime of the plan would account for c.7.9% of the unit allocations for Portumna.

8.4.7. I would concur with the Planning Authority, that having regard to the scale of the proposed development, the quantum set out would not be contrary to the Core Strategy. I would consider that the appropriate redevelopment of the subject site

would otherwise promote consolidation of the urban footprint and align with Development Plan policy.

8.5. Residential Amenity

8.5.1. Given the nature of the proposal, I have considered the development in its current context but also as a whole as the increase in unit numbers and density has implications for the overall site layout and provision of general residential amenity both to the future occupants and that of the adjoining dwellings.

8.5.2. I refer to DM Standard 3: Apartment Developments (Urban Areas) of the County Development Plan which sets out that the design of apartment developments should be guided by the Design Standards for New Apartments- Guidelines for Planning Authorities (2018) or as updated/superseded. In this regard, I have considered the design of the proposed development as per the requirements of the Sustainable Urban Housing: Design Standards for New Apartments (July 2023).

8.5.3. To determine the quality of residential amenity proposed, I have considered the development in relation to the relevant SPPR's of the Sustainable Urban Housing: Design Standards for New Apartments.

SPPR 1 – Based on the plans provided, the cumulative development on the site would provide for an acceptable unit mix.

SPPR 3 – The documents provided do not include a Housing Quality Assessment which is required under Section 6.1 of the guidelines, Sustainable Urban Housing: Design Standards for New Apartments.

SPPR 4 –

(a) Based on the plans provided, the cumulative development would provide for 73% dual aspect units and 27% single aspect units.

(b) Based on the current proposal, the development would provide for 42% dual aspect units and 58% single aspect units.

SPPR 5 – The information provided indicates that the ground floor units would have an internal floor to ceiling height of 2.7m.

SPPR6 – The development relates to ground floor units only and therefore this SPPR is not applicable.

- 8.5.4. As noted above, the application is not accompanied by a Housing Quality Assessment whereby the applicant sets out how the development would accord with SPPR3 and Appendix 1 of the Guidelines which sets out the internal requirements for apartments.
- 8.5.5. I note that the floor plan of Block A does not state the overall floor area of each apartment however it appears that the overall floor area would meet and marginally exceed the minimum requirement for a two bed four-person unit (73sqm) in accordance with Appendix 1 of the Guidelines.
- 8.5.6. The floor plan of Block B states the overall floor area of each apartment which meets or exceeds the overall minimum floor area required under SPPR3 and Appendix 1.
- 8.5.7. The units within Block A are proposed to be served with a proportionately larger than average private amenity space which is located to the rear of the unit. It is noted that a portion of the space would be partially enclosed by virtue of the first-floor cantilever overhead.
- 8.5.8. Direct access to the private amenity space is via Bedroom No. 2 while an external access is available to each of the units along the southern side of the block.
- 8.5.9. While I acknowledge the extent of the space provided, I recommend that further consideration should be given to the internal layout that would provide for a more appropriate access to the space. As provided, I would consider this layout would provide for a diminished internal residential amenity.
- 8.5.10. The units within Block B are proposed to be served with private amenity spaces in the form of enclosed terraces to be attached to the front, side and rear of the building facade.
- 8.5.11. The floor plans state the provision of 7sqm of private amenity space to serve Units B1, B2, B3, B4, B5, B6 and B9 within Block B. No corresponding information has been provided on the elevations as to how this space would be segregated from the public realm, the intended materials to be used or overall heights of the enclosure.
- 8.5.12. It is also noted that each of the spaces indicate an exit within the private amenity space. I would have concerns regarding the inclusion of an exit within this limited space as the use of the space may become an alternative access into the apartment and undermines the intended use of the space as a private amenity area.

- 8.5.13. Unit B7 and B8 within Block B are not served with any private amenity space. These units are single aspect with a northeast orientation. The outlook from the windows of these units is onto a boundary wall with a stated separation distance of c. 1.2m.
- 8.5.14. I would submit that these units would provide for a substandard internal amenity. I do not accept the applicant's rationale that the compensatory measures for the deficiency in the provision of private amenity space would be the large internal floor area. I note that the applicant in their response to the 3rd party appeal also submits that appropriate open space could be allocated on the eastern side of the site if required by the tenants. No detail has been provided in relation to this and in any event, I do not consider this an appropriate measure to mitigate for the non-provision of private amenity space.
- 8.5.15. Furthermore, the document, Sustainable Urban Housing: Design Standards for New Apartments, Guidelines set out that in the case of single aspect units, these should be maximised with a southerly orientation, north aspect units can be considered where such units would overlook a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.
- 8.5.16. These units address a boundary wall with minimal separation. I would further submit that minimal separation distance to the boundary wall in addition to planting within adjoining 3rd party private amenity spaces would also impact upon light available to the bedrooms and living area within these apartments.
- 8.5.17. Notwithstanding the assessment of the internal amenity for each apartment, the overall design of a residential development also requires consideration of elements which are communal in nature. The appropriate consideration of such facilities into the design of an apartment development contribute to the overall amenity experienced by the occupants.
- 8.5.18. I note that the while the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities provides guidance on the provision of Communal Facilities, the Galway Development Plan 2022-2028 also provides guidance in relation to the provision of bin storage, bicycle and car parking. In this regard, the assessment will first consider the context of the Development Plan.
- 8.5.19. Notwithstanding the content of previous applications on the site, no communal bin storage area has been provided, nor does the site layout plan identify where bins would be set out for collection or how a waste collector would negotiate the layout.

- 8.5.20. The Development Plan sets a requirement for residential units without suitable private open space to provide a set of three x 240 litre bins for a block of 10 apartments. I would consider the specific quantum set out by the Development Plan and the non-provision of bin storage would be a material contravention of the Development Plan in this regard. The provision of bin storage could potentially be dealt with by condition.
- 8.5.21. Section 4.9 of the aforementioned Guidelines, reiterates the requirement for the provision of bin storage and does not provide any flexibility for the non-provision of such storage.
- 8.5.22. The development proposes a central area of open space located within the car park to the rear of the site.
- 8.5.23. I refer to Section 3.7.4 'Public and Private Open Space' of the Galway County Development Plan 2022-2028 which states 'The provision of open space must be planned in a coherent manner. It is not sufficient to provide left over residual piece of land after a site has been designed'.
- 8.5.24. I note that the development plan is silent regarding a specific quantum of public open space to be provided.
- 8.5.25. I would submit that the open space being provided is communal in nature to serve the occupants of the development only. In this regard, Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, sets out minimum floor areas for communal open space.
- 8.5.26. The development proposes the provision of a central area of open space with a stated area of 272sqm.
- 8.5.27. From review of the planning history, I note that the open space to serve the existing apartments in Block B is within a proposed courtyard at first floor level. Information regarding this open space has not been included within this current application and therefore it is unclear if such space has been provided and would be available. No other public or communal open space is noted.
- 8.5.28. Notwithstanding the quantum provided, given the location of open space which presents as an 'island' within a designated vehicular through route of the car parking area, in my opinion does not constitute accessible, secure and usable open space.

- 8.5.29. The layout of open space should form an integral part of the design approach. I would consider in this instance the layout is determined by the vehicular traffic and is dominated by surface car parking which the open space has ultimately been designed around.
- 8.5.30. To permit the layout as proposed would not be conducive to a high-quality residential amenity and would be detrimental to the amenities of the future occupants.
- 8.5.31. DM Standard 31: Parking Standard f) of the Development Plan sets out standards for the provision of bicycle parking and car parking. As no such bicycle parking is indicated, I would submit that the development in the absence of such parking would be a material contravention of the Development Plan. The provision of bicycle parking could potentially be dealt with by condition.
- 8.5.32. Section 4.15 of the Sustainable Urban Housing: Design Standards for New Apartments also sets out a requirement for the provision of bicycle parking and does not provide flexibility for the non-provision of same.
- 8.5.33. The provision of suitable and secure bicycle parking is promoted and supported by National Policy, Section 28 Guidelines and the County Development Plan. The design and provision of appropriate bicycle parking should be fully integrated into the design of all residential schemes.
- 8.5.34. In my opinion, given the constraints of the site, to retrofit a suitable accessible and secure parking area would be difficult, being cognisant of the issues raised in relation to the provision of other communal services.
- 8.5.35. Car parking requirements are set out in DM Standard 31: Parking Standards of the development plan.
- 8.5.36. The site layout plan indicates the provision of a total of 47 no. car parking spaces. 8 of these spaces are indicated to serve the Takeaway with the balance of 39 to serve the residential units.
- 8.5.37. I note that the amalgamation of two units into use as a Takeaway and Restaurant was previously granted under Reference 08457. However, the units are included in the current red line boundary with the development description including for a change in car parking layout.

- 8.5.38. The County Development Plan requires the provision of 1.5 spaces to be provided for apartments with 1-3 bedrooms which would yield an overall car parking for the residential element as being 39 spaces.
- 8.5.39. No floor plans of the takeaway and restaurant element have been provided, nor has any information been provided in relation to the methodology for the calculation of the parking requirement for this element. From review of the planning history, a conservative assessment against the Table 15.5 of the takeaway and restaurant use would yield a requirement of 10.5 spaces.
- 8.5.40. As per the Sustainable Urban Housing Design Standards for New Apartments, based on the peripheral location, I would submit that residential development would generate a requirement of 26 no. car parking spaces with an additional 6.5 spaces required for visitor parking, yielding an overall car parking requirement for the residential element as being 32.5 spaces.
- 8.5.41. My assessment would submit that the overall layout would potentially have a shortfall of c. 3 spaces. While the shortfall in required parking provision could be considered to constitute a Material Contravention of the Development Plan, I note that the Development Plan enables a flexible approach to car standards, albeit it where it has been demonstrated by the applicant.
- 8.5.42. In this instance, I would submit that the shortfall is modest, and I would also note that the parking requirements are the maximum quantum of car parking requirements which would enable the shortfall to be considered.
- 8.5.43. In my opinion, I would consider that this shortfall would not be so significant to justify the use of the term 'materially contravene' in terms of normal planning practice. The Commission should not therefore consider itself constrained by Section 37(2)(b) of the Planning and Development Act 2000, as amended.
- 8.5.44. Notwithstanding the foregoing, Table 15.4 'Parking Space Dimensions' sets out that the circulation areas are required to be 6.0m in width. The site layout plan indicates that the circulation areas between the car parking spaces and the central area of open space would be below 6m. Furthermore, the wheelchair accessible spaces also extend into the circulation areas with spaces No.14 and 15 appearing to be conflicted. The site layout plan is not clear in relation to pedestrian permeability through the site with regards to vehicular conflict.

- 8.5.45. I would therefore have concerns in relation to the safe manoeuvrability within the site which would in turn necessitate increased and contrived vehicular turning movements and the creation of potential traffic conflicts.
- 8.5.46. Condition No. 9 of the Planning Authorities decision to grant permission requires that all of the residential units shall be provided with functional electric vehicle charging points. While I acknowledge this provision would be welcome, I would contend that the requirements of the condition appear to conflict with DM Standard 31: Parking Standards g) which requires that all developments to provide charging for cars at a rate of 20% and that residential development should accommodate at least one car parking space with EV charging for every five car parking spaces being provided.
- 8.5.47. I note that the Sustainable Urban Housing Design Standards for New Apartments, set out that a relaxation can be applied in certain instances for all building refurbishment schemes on sites of any size or urban infill schemes on sites of any size or urban infill sites of up to 0.25ha. In my opinion the development on site is unfinished and given the extent of shortcomings, I do not consider that a relaxation in standards should be applied.
- 8.5.48. From review, I would submit that the layout is deficient in many aspects that contribute to a quality residential development and the establishment of a sense of place for the future occupants.
- 8.5.49. The retrofitting of necessary communal facilities into residential schemes is not appropriate. Early consideration of such amenities into the design ensures their optimal location and therefore ensures the successful implementation and use by future occupants.
- 8.5.50. While I acknowledge that the units would meet the minimum floor area requirements, overall, the layout is deficient in the provision of bin storage, bicycle storage and suitably accessible and usable open space that could not be provided by condition in addition to restricted circulation areas for vehicular movements.
- 8.5.51. As noted above, I would consider that in general the absence of bin storage or bicycle storage could potentially be addressed by condition, depending on the merits of the site and availability of space and therefore would not be considered a Material Contravention the Development Plan in their own right. However, in this instance, having regard to the collective issues raised regarding the absence of such features

together with the constrained site layout, it is unclear as to how these elements could be appropriately incorporated into the layout by condition. Therefore, the significance of the shortcomings associated with the proposed development would collectively be considered to be a Material Contravention of the Development Plan.

8.5.52. In conclusion to my assessment of residential amenity for the future occupants, I would strongly contend that the layout fails to find an appropriate balance between the efficient development of the site and providing an appropriate high-quality layout for the future occupants.

8.5.53. I would consider that when considered cumulatively the issues raised highlight the incompatible nature of Block A and B and the overall site for the conversion into 12 no. residential units, in the manner proposed. I would submit that the site would lend itself to an appropriately scaled level of development.

8.5.54. Having regard to the intensity of the development, highlighted by the overall density and layout proposed, I would consider that the overall development would not provide for a high-quality residential development. If permitted, the development would provide for a substandard residential amenity for the future occupants.

8.5.55. I do acknowledge the impact the existing structure has upon the streetscape and that the redevelopment of the site would greatly improve this disamenity, however I do not consider that the significant shortcomings of the proposal could be justified to this extent.

8.6. Residential Impact

8.6.1. Consideration must also be given to the potential impacts that the development would have upon the surrounding residential amenities. I acknowledge that the footprint of the building is not proposed to be amended, however the development would alter the context and character of the building with particular emphasis to the northeast elevation of Block B.

8.6.2. The windows along the northeast elevation are on the ground floor level of the building. These windows are proposed to serve bedrooms and living areas of two single aspect units, B7 and B8. It is apparent that there is a level difference between the subject site and that of the private amenity spaces serving the dwellings to the northeast.

- 8.6.3. I acknowledge that while there would be no directly opposing first floor windows, by virtue of the constraints of this site, the layout as proposed would give rise to over-looking issues of the adjacent private amenity space.
- 8.6.4. I acknowledge that windows within the northeast elevation were granted permission as part of Reference 171596. I note that 3rd party concerns regarding over-looking was raised as part of that application however, the concerns appeared to relate to over-looking from the courtyard associated with the 9no. apartments on the first floor.
- 8.6.5. I would submit that the windows permitted at ground floor level were indicated to serve treatment rooms associated with the medical setting. While not specifically indicated on the plans, windows of this nature would typically tend to be obscured for privacy in such a setting.
- 8.6.6. In any event I would submit that windows serving single aspect residential units would have more potential for over-looking and the impact would be continuous rather than confined to the working day.
- 8.6.7. This element of over-looking would also be intensified as a result of the variation in the levels of the site and limited separation off the boundary wall.

The development as proposed would give rise to undue residential impact to the adjoining amenities.

- 8.6.8. Considering the above assessment, I am not satisfied that the unfinished building would be compatible for a direct conversion into residential units in the manner presented.
- 8.6.9. I recommend that permission be refused in this regard.

8.7. **Visual Integration**

- 8.7.1. The proposed development includes for modest amendments to be made to the elevations. These amendments include for the creation of and adjustments to opens for the provision of windows and doors to accommodate a residential unit.
- 8.7.2. As noted above, the plans or elevation drawings do not demonstrate how the private amenity spaces would be enclosed. While this detail is imperative to the final design, I do not consider that the absence from the plans would be substantive to form part of the reasons for refusal.

- 8.7.3. From site visit, I acknowledge the incomplete and dilapidated status of the site which is visually obtrusive within the streetscape. It is my opinion that the works to the elevations would generally be acceptable and would integrate appropriately within the established context.
- 8.7.4. However, these works cannot be taken in isolation and do not overcome the substantive issues raised above.

8.8. Other Matters

- 8.8.1. The applicant's response to the 3rd party appeal refers to engagement with an Approved Housing Body regarding the possibility of repurposing the ground floor units into residential use. I note that there are no further details in relation to an Approved Housing Body within the application or appeal documents.
- 8.8.2. I note that the notification of the decision to grant planning permission by the Planning Authority did not include a condition regarding Section 96 of the Planning and Development Act 2000, as amended. In the event the Commission decides to grant planning permission, it would be recommended that a condition be applied in this regard.
- 8.8.3. A 3rd party submission to the Planning Authority noted the issue regarding the window opes on side elevation. I note that the existing plans accompanying this application do not indicate these windows on the existing elevation. From review of Drawing No.1957-02 'Proposed Side (North-East) Elevation' 6 no. window opes were proposed. While I acknowledge this contradictory information, given the substantive issues raised, it would not form a reason for refusal.
- 8.8.4. Several submissions to the Planning Authority raise the issue regarding car parking associated with the adjacent veterinary clinic. From review of the submissions, it is not clear to me if the concerns relate to parking within the subject site or on street. In the event that the clinic has utilised the spaces within the subject site over the years, the vet is not within the red line of the application site. I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered to be a civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000, as amended.

8.9. Water Framework Directive Screening

- 8.9.1. The subject site is located within the urban area of Portumna on Dominic Street, c. 95m to the southwest of the IE_SH_25S012350 (Shannon (Lower)_030) and in the same sub basin.
- 8.9.2. The site overlies a locally important aquifer which is moderately productive in local zones. The underlying groundwater body is IE_SH_G_236 Tynagh and is a poorly productive bedrock. The groundwater vulnerability is low.
- 8.9.3. No water deterioration concerns were raised in the planning appeal.
- 8.9.4. I have assessed the development seeking permission 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.
- 8.9.5. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.
- 8.9.6. 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.

9.0 AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located

within or adjacent to any European Site. The subject site is located c.325m to the northwest of the Special Area of Conservation for River Shannon Callows (000216) and the Special Protected Area for Middle Shannon Callows (004096)

The site is located c. 803m to the northeast of the Special Area of Conservation for Lough Derg, Northeast Shore (002241) and c. 1.5km to the northwest of the Special Protected Area for Lough Derg (Shannon) (004058).

- 9.1. The proposed development comprises of change of use of three vacant ground floor commercial units to three apartments and the change of use of the vacant shell core unit to nine apartments. Permission is also sought for elevational changes to both blocks along with changes to the site to allow for a change in car parking layout, amenity space and boundary treatments.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

- 9.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the 3rd party appeal

and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be refused for the reasons set out hereunder.

11.0 Reasons and Considerations

1. The overall layout of the proposed development fails to provide essential communal facilities necessary to serve the population of a residential development. Together with the layout which is dominated by surface car parking with restricted circulation areas and parking space conflicts which subsequently results in the provision of an ad hoc unusable area of open space. To permit the layout as proposed with an excessive density relative to the constraints of the existing building on the site would constitute an inappropriate overdevelopment of the site which would materially contravene the Galway Development Plan 2022-2028 (Table 15.1 'Density', Table 15.4 'Parking Space Dimensions' DM Standard 2, DM Standard 31) and would be injurious to the residential amenities of the future occupants.
2. The proposed development fails to provide private amenity space for Units B7 and B8 within Block B and as such fails to comply with Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023. Furthermore, these units are single aspect with a north easterly orientation addressing a shared boundary wall with minimal separation distance. The compensatory rational is not acceptable and as such these units would have a substandard internal amenity which would be injurious to the amenities of the future occupants.
3. The introduction of windows to the northeastern elevation at ground floor level of Block B serving all habitable rooms of Units B7 and B8 by reason of limited separation distance to the opposing boundary wall and variation to the ground level between the subject site and the immediately adjoining site would give rise to undue over-looking of the private amenity spaces serving the adjoining dwellings in Bruach an Chaladh. To permit the development would seriously injure the amenities and would be contrary to the proper planning and sustainable development of the area.

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

Carol Hurley
Planning Inspector

26th November 2025

Appendix 1

EIA Pre-Screening

Case Reference	ACP-323042-25
Proposed Development Summary	Change of use from 3 no. retail units to 3 no. apartments, change of use of vacant shell core unit to 9 no. apartments. Permission is also sought for elevational changes and changes to the site.
Development Address	Dominic Street, Portumna, Co. Galway.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	S. 5 P.2 10(b)(i) construction of more than 500 dwelling units.

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)

Inspector: _____ **Date:** _____

Appendix 2

EIA Preliminary Examination

Case Reference	ACP-323042-25
Proposed Development Summary	Change of use from 3 no. retail units to 3 no. apartments, change of use of vacant shell core unit to 9 no. apartments. Permission is also sought for elevational changes and changes to the site.
Development Address	Dominic Street, Portumna, Co. Galway.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the provision of 12 no. residential units to be provided within the footprint of the existing buildings. No demolition works are proposed. The development is modest in scale and would not result in the undue use of natural resources, production of waste, pollution or nuisance. The development of the site would remove the current risk of potential accident regard being had to the unfinished nature of the site.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located within the urban area of Portumna. The existing development on the site is unfinished, and the proposed works would seek to improve the appearance of the building which would integrate appropriately within the receiving environment. The development would be consistent with the established surrounding uses. The subject site adjoins but is not within the ACA for Portumna. The site is removed from sensitive natural habitats, designated sites and landscapes of identified significance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the nature of the proposed development on serviced lands, 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.

cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)