



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500580-GC-26**

### Development

Permission for alterations to commercial premises to include reduced cafe/retail unit at ground level, change of use of existing café/ retail unit to office, and change of use to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors to 2 no. residential units and all associated works. Protected Structures (GCC RPS No. 9306 and R.P.S. Ref No. 6107).

### Location

21 Shop Street & 24 Middle Street,  
Galway.

### Planning Authority

Galway City Council

### Planning Authority Reg. Ref.

2560316

### Applicant(s)

Jessed Ltd

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Jessed Ltd

### Observer(s)

Kieran & Ann Murphy  
Craig Higgins

**Date of Site Inspection**

30<sup>th</sup> March 2026

**Inspector**

Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination

Appendix 2 – AA Screening Determination

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.034ha and comprises of No. 21 Shop Street (RPS No. 9306), the ground floor (only) of No. 24 Middle Street (RPS No. 6107) in Galway city centre and the rear yard shared between the properties. The aforementioned buildings retain narrow historic street frontages within their respective terraces, with No. 21 having a deep and irregular plot depth extending to the south-east. The site is situated within the City Core Architectural Conservation Area (ACA), a Rent Pressure Zone (RPZ), a Zone of Archaeological Potential (ZAP) and it also comes within the historic town core of Galway City which is designated as a Recorded Monument (GA094-100- (Historic Town)).
- 1.2. No. 21 Shop Street (a Protected Structure, formerly in operation as Griffin's bakery c. 1921-2019) is a vacant 2-4 storey over partial basement building with pitched slate roof located on the east side of the street which features a traditional ground floor shopfront of painted timber construction with moulded plinth, stone cornice and corbels together with a fascia board and end pilasters. The top, 3<sup>rd</sup> floor of No. 21 oversails the lower floors of the neighbouring property at No. 19/20 – with this appearing to be a longstanding as-built arrangement. No. 21, which is located on one of Galway's principal pedestrianised shopping streets, forms part of a terrace of 4-storey commercial buildings which front the junction of High Street and Mainguard Street to the west. The property is adjoined by Taaffe's Bar (RPS No. 9307) at 19/20 Shop Street and by No. 18 Shop Street (RPS No. 9305), which fronts Buttermilk Lane, to its north-west and by No's 13 High Street (RPS No. 4512) and 15 High Street (RPS No. 4514) to its south. To the immediate north-east, an archway leading to the alleyway/ beer garden serving Taaffe's Bar adjoins the ground floor of the subject property which features 2 no. longstanding opes onto same. To the rear, No. 21 is adjoined by No's 22-24 Middle Street which comprise a mix of commercial and residential properties, with the rear garden of the residential property at No. 22 adjoining the southern part of the north-western elevation of No. 21.
- 1.3. No. 24 Middle Street is a 3-storey Protected Structure with dormer attic accommodation which forms part of a terrace of commercial and residential buildings on the west side of Middle Street, a narrow and one-way trafficked thoroughfare which runs parallel to Shop Street. The property, which is still listed on the RPS despite being

fully rebuilt in recent years, features a vacant retail unit on its ground floor with its upper floors being in office (first floor) and residential (second/attic) use – with the access for its upper floor accommodation being excluded from the red line subject of this application. No. 24 is adjoined to the north-east by No. 20/22 Middle Street (RPS No. & NIAH Reg. No. 30314066), a seven-bay three-storey building containing late medieval fabric, and to the south-west by the King's Head pub. No. 24 is not in the ownership of the applicant and a letter of consent to lodge the application from the owner of that property has been provided.

- 1.4. Part of the rear yard which jointly serves No's 21 Shop Street and 24 Middle Street, is given over to use as an enclosed waste storage area serving No. 24. This yard currently serves as a physical rather than functional connection between the 2 no. properties.

## **2.0 Proposed Development**

- 2.1. The proposed development at No. 21 Shop Street (a Protected Structure (RPS No. 9306)) comprises of alterations to an existing commercial premises in bakery/ retail use to include:
  - a) a reduced sized commercial unit at ground floor and the physical severance of the front-of-house portion (c. 21 sq.m) of this unit from its existing, supporting back-of-house area in order to accommodate a new residential access to the building's upper floors off Shop Street.
  - b) change of use of first, second and third floors to residential accommodation (short term let/ student accommodation) comprising 2 no. residential units (1 no. 5-bed & 1 no. 4-bed) with a new external amenity space at first floor level proposed to be shared between the units; and,
  - c) all associated internal amendments and elevational changes to No. 21.
- 2.2. The proposed development at No. 24 Middle Street (a Protected Structure (RPS No. 6107)) comprises of the change of use of the vacant ground floor (only) of this building from café/ retail to office (37 sq.m) and the creation of a new residential access to serve (part of) the proposed accommodation in No. 21 Shop Street and all associated internal alterations, elevational changes and amendments to the rear yard of that property.

- 2.3. The documentation accompanying the application includes existing and proposed plans, demolition plans, an Archaeological and Cultural Heritage Assessment and an Architectural Heritage Impact Assessment Report.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission refused on 05/12/2025 for 5 no. reasons:

1. *Having regard to the nature, extent and format of the proposed reduced ground-floor retail / café unit at No. 21 Shop Street, and to the intensive student/ short-term letting use proposed above, it is considered that the development is not compatible with Section 11.4.5 “Uses” of the Galway City Development Plan 2023–2029, which states that the conversion of the ground floors of premises on the principal shopping streets from retail to non-retail uses, including retail services, shall not be permitted. The proposal would result in the loss of a significant extent of ground-floor retail floor area on a principal shopping street, to be replaced by a very small café/ retail unit of 21 sqm and associated access to student/ short-term letting accommodation. This would undermine the retail function of Shop Street and conflict with the Galway City Development Plan objective to enhance and protect the city centre as the primary retail core. The proposed development is therefore contrary to the Galway City Development Plan 2023–2029 and to the proper planning and sustainable development of the area.*
2. *Policy 10.1 “City Centre” of the Galway City Development Plan 2023–2029 seeks to control the proliferation of uses which could lead to the deterioration of retailing on the principal shopping streets. Having regard to the small footprint, limited facilities and format of the proposed café/ retail unit, the proposal would constitute a non-conforming use at ground-floor level on a primary shopping street, contrary to Section 11.2.7 “City Centre” Land Use Zoning Objective and Section 11.4.5 “Uses”. If permitted, it would set an undesirable precedent for similar small-scale café/ non-retail proposals on the principal shopping streets of the retail core, cumulatively leading to the erosion of the established retail function. The proposed development is therefore contrary to the Galway City Development Plan 2023–2029 and to the proper planning and sustainable development of the area.*

3. *The proposed change of use to short-term letting / student accommodation would, by itself and by the precedent it would set, remove two substantial multi-bed units from the stock of long-term rental residential accommodation available for permanent occupation within Galway City Centre, which is a designated “Rent Pressure Zone” for the purposes of the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019. The proposal would exacerbate the existing shortage in the supply and availability of long-term rental accommodation, contrary to Policy 3.1 “Housing Strategy”, and in particular Section 23 thereof, which establishes a presumption against allowing short-term let use in view of the city’s rent pressure zone status. The development would therefore be contrary to the Galway City Development Plan 2023–2029 and to the proper planning and sustainable development of the area.*
4. *The site lies within the medieval quarter and historic town core of Galway City, within the area designated as Recorded Monument GA094-100---- (Historic Town), which is subject to statutory protection in the Record of Monuments and Places under Section 12 of the National Monuments (Amendment) Act 1994. The buildings on site are of archaeological and architectural significance, are known to contain medieval fabric, are included on the Record of Protected Structures and lie within the City Core Architectural Conservation Area. Based on the information submitted with the application details including the Archaeological Impact Assessment, the planning authority consider the removal of masonry walling/masonry including that to the ground floor shop front has not been satisfactorily justified or addressed. Therefore, the Planning Authority is not satisfied that the development would not be detrimental to the character, setting or archaeological potential of the site and its structures. The proposal is therefore contrary to Policies 8.4 (1) and (5) Archaeology, 8.1 Record of Protected Structures and 8.3 Architectural Conservation Areas of the Galway City Development Plan 2023–2029 and would be contrary to the proper planning and sustainable development of the area.*
5. *By reason of its layout and design, the proposed development fails to provide an adequate standard of residential amenity for future occupants. In particular, the scheme proposes residential units directly overlooking adjoining properties including an amenity area of an adjoining dwelling and an adjoining beer garden,*

*forming part of an established licensed premises. Bedrooms would be exposed to significant noise and disturbance arising from the normal operation of the beer garden, especially during evening and night-time hours, and it has not been demonstrated that satisfactory internal noise levels could be achieved without unreasonably constraining that existing use. More generally, the proposed units comprise a high-intensity multi-bed arrangement within a constrained historic floorplate, with modest communal kitchen/ living/ dining spaces, limited storage and a number of habitable rooms whose access to natural light, outlook and ventilation is limited. The proposal therefore fails to meet the Development Management Standards set out in Sections 11.3.1(e) and 11.4.1 of the Galway City Development Plan 2023–2029 in respect of residential amenity and would result in an unsatisfactory standard of accommodation for future occupants and impact on the amenity of adjoining residents. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

1 no. PA report (02/12/2025) formed the basis of the decision to refuse.

- *Zoning* – whilst tourism-related accommodation and student accommodation are open for consideration, the proposed residential access etc. result in significant reduction in area of bakery/ retail unit at No. 21 Shop Street, likely making it commercially unviable, and would undermine the site's 'City Centre' zoning which seeks to preserve the dominant commercial area. Proposal would also contravene GCDP Sections 11.4 (City Centre Area) and 11.4.5 (Uses) which do not permit the conversion of ground floors on the principal shopping streets (incl. Shop Street) from retail to non-retail uses and Policy 10.1 (City Centre) which seeks to control the proliferation of uses which could lead to the deterioration of retailing on the principal shopping streets. **Refusal Recommended.**
- *Residential Use* – inadequate detail provided re: nature, operation and management of student accommodation/ short-term letting use proposed.

- *Student Accommodation* – proposal is not purpose built and proposal does not comply with min. standards set out under GCDP Sections 11.30, 11.31(e) and 11.4.1 or the 2025 Apartment Guidelines. **Refusal Recommended.**
- *Short Term Letting* – Property is capable of being used as a long-term rental property/ permanent housing. Proposal not compliant with GCDP Policy 3.1 (23)(Housing Strategy) or Government policy which provide for a presumption against granting of permission for short-term letting in designated RPZs.
- *Office Use* – concerns raised regarding change of use of ground floor of No. 24 Middle Street from café/ retail to office use (small size) and inadequate details provided on nature of the proposed office use. Notwithstanding, proposed use acceptable in principle as office use previously permitted at this location.
- *Planning History* – proposal has not overcome refusal under P.A. Ref. 24/60413.
- *Residential Standards* – internal layout issues and inadequate detail provided to demonstrate compliance with min. standards of 2025 Apartment Guidelines. Ground floor bedroom accommodation overlooking adjoining beer garden is inappropriate. Inadequate detail provided on internal daylighting. Concerns habitable rooms do not have adequate natural light. **Refusal Recommended.**
- *Existing Residential Amenity* – additional overshadowing of adjoining properties unlikely. Open to streets and to internal courtyard not likely to affect neighbouring privacy. Overlooking of No. 22 Middle Street may arise from bedroom and kitchen areas. Obscured glazing not a viable option due to internal daylight issues. **Refusal Recommended.**
- *Built Heritage* – noted constrained and sensitive building envelope. Concerns raised by Conservation Officer (CO) that the insensitive internal layout and high intensity use as proposed may lead to alteration or removal of medieval/ historic building fabric in 2 no. Protected Structures which is not acceptable. **FI Recommended.**
- *Archaeology* – noted site is archaeologically sensitive and forms part of recorded monument. DAU's recommended conditions noted, however FI on impact of proposal on masonry walling required as per CO report. **FI Recommended.**
- *Flood Risk* – site not at risk of fluvial, pluvial, groundwater or coastal flooding.

- *Parking* – proposal for no car parking acceptable on basis of current arrangements and sustainable mobility policy. Provision of 7 no. bike parking spaces at ground floor level is acceptable on basis of compliance with Section 11.3.1(h).
- *Water Supply* – proposal to use existing potable water connection is acceptable.
- *Surface Water* – proposal to utilise SuDS and discharge to public system acceptable as per proposals under P.A. Ref. 24/60413.
- *Foul Drainage* – proposal to use existing connection noted, however inadequate information provided on whether this is to a public or private sewer.
- *Waste* – inadequate detail provided on waste storage and collection arrangements.
- *Ecology* – No bat survey provided. Proposal non-compliant with Policy 5.2(10).
- *EIA Screening* – project is sub-threshold for EIA. No EIAR required.
- *AA Screening* – project not likely to have a significant effect on any European site(s) either individually or in combination with other plans or projects.

#### Other Technical Reports

- *Building Control (20/10/2025)* – no objection subject to condition regarding all works being carried out in compliance with Building Regulations.
- *Transportation Section (05/11/2025)* - no objection subject to standard conditions in addition to further conditions requiring DMURS compliance and the preparation of a Construction Traffic Management Plan.
- *Conservation Officer (03/12/2024)* – raises concerns re: impact of proposal on original historic masonry walling to ground floor shopfront and at first floor level and historic plaster. Further archaeologically licensed opening-up works required to assess significance of impact at ground floor level and a revised layout required at first floor level to ensure no requirement for removal of 2 no. sections of masonry walling. Whilst proposed shopfront is acceptable, any existing original shopfront features should be protected and recorded as part of works. Replacement of uPVC windows with traditional sash sliding windows encouraged. Works to void between site and No. 13 Shop Street require clarification. Details of materials and finishes can be agreed by condition. **FI Recommended.**

### 3.3. Prescribed Bodies

Development Applications Unit of the Department of Housing, Local Government and Heritage (10/11/2025) – seeks attachment of archaeological conditions in the event of a grant of permission.

### 3.4. Third Party Observations

2 no. third party submissions were received from neighbouring property owners and are summarised separately below on account of the differing issues raised:

#### Craig Higgins

- Security and overlooking of No. 22 Middle Street.
- Potential for noise and anti-social behaviour.

#### Kieran and Ann Murphy

- Require secure party wall between No. 21 and No's 19/20 Shop Street.
- Impact of glazing, fire protection and plant on No's 19/20 Shop Street.
- Foul drainage capacity issue.
- Impact of neighbouring pub/beer garden on proposed residential use.
- Building control issue re: location of plant room at 3<sup>rd</sup> floor level.

## 4.0 Planning History

### 4.1. Appeal Site

*P.A. Ref. 24/60413* – application by Jessed Ltd. in respect to No. 21 Shop Street and No. 24 Middle Street for alterations and change of use to an existing commercial premises to include: A) a reduced café/ retail unit at ground floor (21 m<sup>2</sup>) and change of use of remainder of ground floor, first, second and third floors to residential accommodation (short term let / student accommodation) comprising 2 No. residential units (1 No. 6 bed & 1 No. 4 bed), including all associated internal amendments and elevational changes and including a new shared amenity space at first floor level all at No. 21 Shop Street, Galway, a Protected Structure (GCC RPS No. 9307), and B) a change of use from café/ retail to part office (37 m<sup>2</sup>) and part residential access to ground floor only, including all associated internal alterations, elevational changes and

amendments to the rear yard of No. 24 Middle Street, Galway, a Protected Structure (R.P.S. Ref No. 6107), refused permission on 19/02/2025 for 5 no reasons: 1. Unacceptable loss of significant ground floor retail area and negative impact on city centre retailing, 2. Creation of a non-conforming use, 3. Unacceptability of short-term letting in a designated Rent Pressure Zone, 4. Archaeological Impact, 5. Poor standard of future residential amenity [refusal reasons as per proposal subject of this appeal].

*P.A. Ref. 22/219* – application by Jessed Limited in respect to No. 21 Shop Street for 1) Change of use of the first, second and third floor from existing bakery operation/ ancillary staff support accommodation to use for residential accommodation in the form of 1 no. 4-bed unit (Unit 1 - 241sq.m at ground and 1<sup>st</sup> floor) and 1 no. 4-bed unit (Unit 2 – 156sq.m at 2<sup>nd</sup> and 3<sup>rd</sup> floor) (consisting of (a) removal of existing baking ovens and preparation equipment (b) removal of refrigeration storage units and goods lift (c) removal of water tanks and staff toilets) and 2) Retention of the change of use of existing retail bakery shop and coffee dock into food outlet with internal alterations and shop fit-out indoor and outdoor seating and new external signage [Note: access to upper floor residential accommodation was via Middle Street (units no's 1 & 2) to rear and via the laneway adjoining Taafe's bar (unit no. 2) with no change to extent of retail/ bakery unit on Shop Street], was subject to a split decision. Permission was refused for the retention of the change of use of existing retail bakery shop and coffee dock into food outlet etc. due to loss of a retail unit/ creation of a substandard retail service which would have a negative impact on retailing in the city centre. Permission was granted for the remainder of the proposal on 23/01/2024 subject to 11 no. conditions, including the following conditions:

*"4. The residential units hereby permitted shall not be used for short term lettings as defined in the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019.*

*5. The rooms associated with residential units hereby permitted, as shown on the submitted floor plans, shall only be used for the purposes indicated on plan and shall not be used for any other purpose. Storage rooms and study/ lounge rooms shall not be used for habitable accommodation. Reason: In the interests of the protection of residential amenities.*

6. *The Window marked as W-01 on the submitted plans shall remain in situ and shall not be altered in any way. Reason: In the interests of the protection of residential amenities”.*

*P.A. Ref. 20/283* – application by C. Higgins with regard to No. 24 Middle Street for minor amendments to previously granted café/ restaurant (PI. Ref. No. 20/72) to include takeaway use and an extraction ventilation system and associated external works Protected Structure (R.P.S. Ref No. 6107), granted permission subject to 3 no. conditions.

*P.A. Ref. 20/072* – application by Carol Higgins with regard to No. 24 Middle Street for the change of use at Ground Floor Unit from retail use to a Café/restaurant use and all associated external works and services (Protected Structure R.P.S Ref. No. 6107), granted permission subject to 10 no. conditions.

*P.A. Ref. 16/128 (PL61.247574)* – application by C. Higgins with regard to No. 24 Middle Street for a) Change of use from residential and retail to retail at ground floor b) change of use from residential to offices at 1st floor, c) new ground floor inner wall leaf and 1st floor walls inc. elevational changes d) 2nd floor office extension and e) attic storage. The works include a new timber shop front and timber sash windows to upper levels, and all associated external works and services to a Protected Structure (RPS Ref. No. 6107), granted permission on appeal subject to 13 no. conditions.

*P.A. Ref. 13/112* – application by Mark and Patricia Griffin with regard to No. 24 Middle Street for demolition of the existing two storey building and the construction of a proposed new four storey building. The proposed building will consist of a commercial unit of 99.6 square metres at ground floor incorporating a kitchen area, office area, store area and retail area to the front. The first, second and third floor areas above will consist of 3 residential apartments of 101 square metres each. Each apartment will consist of Living/Kitchen and Dining areas, with Utilities, as well as two double bedrooms and one with En Suite area. Each apartment will also have its own Bathroom/Shower room and Store area as well as private balcony space, granted permission subject to 13 no. conditions.

*P.A. Ref. 98/752 (PL61.111183)* – application with regard to No. 24 Middle Street for demolition of dwelling and retail unit and erection of a coffee/ confectionary shop, store and four apartments, granted permission subject to conditions.

*P.A. Ref. 91/362 (PL61.87025)* – application with regard to No. 24 Middle Street for, demolition of a dwelling and erection of a coffee/ confectionary shop, store and four apartments, granted permission subject to conditions.

## 5.0 Policy Context

### 5.1. National Policy

*Project Ireland 2040 – National Planning Framework (2025):*

- NPO 3c (deliver 30% new housing in existing built-up footprint).
- NPO 6 (regenerate cities, towns and villages).

*Delivering Homes, Building Communities 2025-2030 - An Action Plan on Housing Supply and Targeting Homelessness - Section 7.8 (Rebalancing the Short Term Lets Sector)* – states that planning permission for new short-term lets will be generally precluded in cities and large towns, ensuring that homes are available for residential use where the need is greatest, with provision guided by local authority policy.

*Circular on Short-Term Letting and the Planning System SPI01/2026* – states that PAs to make a planning decision on the merits of the particular application, having regard to any relevant plan policies and other relevant planning matters such as access, servicing and level of housing demand in local area.

*Circular PL4/2019 - New Regulation of Short Term Letting* [cited in GOA].

*Planning Design Standards for Apartments – Guidelines for Planning Authorities (DoHLGH, 2025)* [these apply to applications submitted after 9<sup>th</sup> July 2025 (application submitted on 13/10/2025)].

- Provides guidance, standards and policy requirements in relation to the design of apartment developments to take account of current Government policy and economic, social and environmental considerations.
- Specific Planning Policy Requirement (SPPR) 2 sets out minimum apartment floor areas which apply.
- Appendix 1 relates to Minimum Floor Area and Standards.

- Section 6.1: Planning Authorities are requested to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.
- Advice is also given on Urban Design and Placemaking, (Chapter 4), and Development Standards for new housing, (Chapter 5).

*Architectural Heritage Protection Guidelines for Planning Authorities (2011)* – Chapter 6 (Development Control), Section 6.8.8 (Material Change of Use) and Chapter 17 – Alterations to Enhance Fire Safety – encourages consultation between applicant, PA and Fire Authority at PAC stage and requires applications for works to Protected Structures to enhance fire safety to be subject to consultation with Fire Officer and the submission of a Fire Risk Analysis. Section 17.2 (Applications for Works to Enhance Fire Safety) – in cases where works to enhance fire protection would necessitate a level of intervention which the planning authority considers unacceptable in terms of excessive loss or disruption of the historic fabric, the developer should be encouraged to explore alternative fire-safety solutions, including alternative uses, which may have fewer implications for fire safety.

*Development Management Guidelines for Planning Authorities (2007)* – Chapter 7 (Planning Conditions, Subsection 7.9 (Conditions requiring matters to be agreed): situations where compliance conditions would not be appropriate.

## 5.2. Regional Policy

*Northern & Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032* – RPO 3.2: (a) Deliver at least 50% of all new city homes targeted in the Galway MASP, within the existing built-up footprint of Galway City and suburbs. RPO 3.8: Support the design of new/ replacement/ refurbished dwellings to high energy efficiency standards.

## 5.3. Development Plan

The Galway City Development Plan 2023 - 2029 (GCDP) applies.

### Zoning

Section 11.2.7 (City Centre Land Use Zoning Objectives) - Site subject to a 'CC - City Centre' land use zoning objective which seeks "*To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city*".

Section 11.1 (Introduction): Many legally established uses exist in locations where they do not conform to the designated land use zoning objective set out in the Plan. Extensions to or improvements of premises accommodating these non conforming uses may be granted, where the proposed development would not be injurious to the amenities of the area, and would not prejudice the proper planning and sustainable development of the area.

Site comes with the City Core Architectural Conservation Area (ACA) and a designated Rent Pressure Zone (RPZ) and it also lies within the Zone of Archaeological Potential (ZAP) and within the vicinity of a recorded monument.

### City Centre

Section 6.5 and Policy 6.12 (Retail Hierarchy) – sub policy No. 1 - The Council will encourage the refurbishment of older buildings, bringing unused or underused buildings into residential use supporting both an increased population and also maintaining the built heritage of the city centre.

Policy 6.11 (Retail Strategy)(8) - Have regard to the Galway City Shopfront Design Guidelines.

Section 8.8 (Urban Design and Placemaking), subsection 'Shopfronts and Signage'.

Section 10.2 (City Centre) and Policy 10.1 (City Centre):

- (1) Maintain and enhance the resilience of the city centre by reinforcing its dominant role for commerce, shopping, tourism, cultural and leisure activities, enhancing its vitality and attractiveness as a place to work, live and visit.
- (2) Control the proliferation of uses which could lead to the deterioration of retailing on the principal shopping streets.
- (3) Control the negative impact caused by dominance, due to proliferation or scale, of particular uses.

(4) Encourage a living city centre by requiring a residential content in new developments and promoting a high quality urban environment in the design and layout of new schemes.

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

Sections 11.4 (City Centre Area) and 11.4.1 (General) - The Council shall take into account the following standards and guidelines when considering the design and layout of development in the CC zone, in so far as they relate to a particular development proposal in the city centre:

- Maximum densities shall only be attainable under optimum site conditions having regard to criteria such as height, impact on built heritage, urban design, open space and protection of amenities. (Refer to Chapter 8: Built Heritage, Placemaking and Urban Design)

Section 11.4.5 (Uses) - The conversion of the ground floors of premises on the principal shopping streets from retail to non-retail uses, including retail services shall not be permitted. For these purposes the principal shopping streets are Williamsgate Street, William Street, Shop Street, Mainguard Street, High Street, Quay Street and Eyre Square (north western side). Consideration will be given to allow for retail services on Eyre Square (north western side) and for exceptionally small existing units of total retail gross floor space of less than 20m<sup>2</sup>.

Sections 11.4.3 (Residential Content) and 11.5 (Shopfronts).

### Residential

Section 3.2 (Housing Strategy)(Housing for Specialist Needs): The successful tourism economy of the city creates a high demand for tourist accommodation which impacts on house supply. The Council will continue to control short term letting accommodation to prevent a negative impact on housing supply and/or an over-concentration of such uses.

Policy 3.1 (Housing Strategy):

(16) Support and promote all initiatives that will supplement housing delivery in the city such as the Department of Finance Living City Initiative Scheme (2015); living over the

shop type development and where appropriate change of use of vacant office space to residential use.

(17) Support the development of high quality and high standard purpose built student accommodation (PBSA) at appropriate locations and of appropriate design (including adequate communal facilities and external communal space) to meet the demand for student housing in accordance with the National Student Accommodation Strategy (2017) and any subsequent updates. Change of use from PBSA to any other form of housing will only be considered where it can be demonstrated through evidence based criteria that an over-provision of student housing exists relative to existing and extrapolated need and where appropriate residential standards and amenities can be achieved.

(23) Ensure the provisions of the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 and any other future legislation and guidelines are applied where planning permission is required to control short-term letting accommodation to prevent a negative impact on housing supply and /or an over-concentration of such uses. Notwithstanding this, where planning consent is required under legislation for short term letting, there will be a presumption against allowing such a use in view of the status of the city defined as a rent pressure zone.

Section 3.8 (Sustainable Neighbourhoods: City Centre Residential Areas) - The Council will encourage the refurbishment of older buildings, bringing unused or underused buildings into residential use supporting both an increased population and also maintaining the built heritage of the city centre.

Sections 11.3 (Residential Development) and Section 11.3.1 (a) General, (c) Amenity Open Space Provision, (d) Overlooking, (i) Refuse Storage Standards and (e) Daylight - All buildings should receive adequate daylight and sunlight. All habitable rooms must be naturally ventilated and lit and living rooms and bedrooms shall not be lit solely by roof lights. Daylight sunlight and/or overshadowing assessment, utilising best practice tools, may be required to assess the impact of development on the amenity of adjoining properties. The requirement for such assessments will be agreed with the planning authority prior to planning application. In this regard, 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.

Section 11.30 (Student Accommodation) - The City Council supports the provision of high quality, professionally managed, purpose built student accommodation on/off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes, in a manner that respects the residential amenities of the surrounding area...When assessing planning applications for student accommodation consideration will be given to the following:. Adequate amenity areas and open space; The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, car parking and amenity...All permissions for student accommodation shall have a condition attached requiring planning permission for a change of use from student accommodation to other types of accommodation. Future applications for change of use will be resisted except where it is demonstrated that continuing over-provision of student accommodation exists in the city.

Volume 3: Galway City Housing Strategy & Housing Need & Demand Assessment 2023-2029. Section 3.4.2 (Short-term Lettings).

### Tourism

Section 3.6.8 and Policy 6.8 (Tourism Sector): promote tourism related facilities including a sustainable range of tourism accommodation.

Section 10.2 (City Centre): enhance city centre as primary commercial area, supporting regional role for a range of retail, commercial, tourism, social and cultural activities.

### Built and Natural Heritage

Section 8.1 (Record of Protected Structures)(8) - Promote sustainable building design, best conservation practice and the appropriate maintenance, adaption and reuse of historic buildings.

Policy 8.1 (2) – ensure new development enhances the character or setting of a protected structure, (3) – avoid protected structures becoming endangered by neglect or otherwise by taking timely appropriate action, (7) – implement proactive measures

to encourage the conservation of protected structures, and (8) – promote sustainable building design, best conservation practice and the appropriate maintenance, adaption and reuse of historic buildings.

Section 8.3 and Policy 8.2 (Architectural Conservation Areas) (1) and (3).

Section 8.5 and Policy 8.4 (Archaeology) (1), (2), (3), (5), (6) and (7).

Policy 5.2 (Protected Spaces: Sites of European, National and Local Ecological Importance) (10) - Protect and conserve rare and threatened habitats and their key habitats, (wherever they occur) listed on Annex I and Annex IV of the EU Habitats Directive (92/43EEC) and listed for protection under the Wildlife Acts 1976-2000 and plant species listed in the Flora Protection Order 2015.

#### 5.4. **Other Technical Guidance**

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE, 2022).

### 6.0 **Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- Galway Bay Complex SAC (Site Code 000268) – c. 260m from the site.
- Inner Galway Bay SPA (Site Code 004301) – c. 600km from the site.
- The Lough Corrib SPA (Site Code 004042) – c. 3.5km from the site.
- The Lough Corrib SAC (Site Code 000297) - c. 180m from the site.

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- Galway Bay Complex pNHA (Site Code 000268) - c. 250m from the site.
- Lough Corrib pNHA (Site Code 000297) - c. 1.2m from the site.

### 7.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 & Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposal and the types and characteristics of potential impacts, it is considered that there is no real likelihood

of significant effects on the environment. The proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 8.0 Water Framework Directive Screening

I have concluded, 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 (refer to form in Appendix 3 for details).

## 9.0 The Appeal

### 9.1. Grounds of Appeal

A first party appeal submission was received on the 09/01/2026. The grounds of appeal (GOA) are as follows:

#### General

##### *Response to Refusal Reasons No's 1 and 2*

- Long established (pre-1963) ground floor use at No. 21 Shop Street is 'retail service' (bakery & café with associated S.254 outdoor furniture licences), so sections 11.4.5 (Uses) and 11.2.7 and Policy 10.1 (City Centre) are not applicable.
- Unit's retail service function will remain/ will be re-established after 2019 closure.
- Proposed works to building (new access to upper floors from Shop Street to replace access points from laneway at No's 19/20 Shop Street) to ensure 'fire safety compliance' can be considered under Section 11.1 (Introduction) which relates to/ allows for improvements to non-conforming uses.

##### *Response to Refusal Reason No. 3*

- There are no existing residential units on the site (buildings are vacant).
- Upper floors of No. 24 last used as ancillary commercial accommodation.

- Residential permission under P.A. Ref. 22/219 was never implemented due to [unspecified] fire safety and building regulation compliance issues.
- Refusal reason is inaccurate on basis that proposal will not give rise to loss of residential units from the city's existing long-term residential housing stock.
- It is submitted that the upper floors of the buildings are not suitable for long term residential use due to their fabric, layout and configuration and demographic trends on average household size (shows low demand for larger residential units).
- Proposal to renew ground floor retail service use and provide upper floor tourist/ student accommodation is consistent with GCDP, national & regional policy.
- Exceptional circumstances allowed for under Circular PL4/2019 are satisfied on basis of nature and character of established ground floor use and context of the site between a pub and shop on a busy city centre street.
- Proposal for interchangeable student/ short-term rental accommodation is appropriate to this city centre location where demand is high.

*Response to Refusal Reason No. 4*

- Proposal is compliant with GCDP policies on Protected Structures.
- Application is supported by an Architectural Heritage Impact Assessment Report (AHIA) and an Archaeological and Cultural Heritage Assessment (ACHA) which address the built and archaeological heritage of the site.
- AHIA does not identify No. 21's shopfront as being of major significance and proposes suitable mitigation measures. Shopfront proposal was acceptable to PA and appellant willing to accept a compliance condition as proposed by CO.
- In respect to impact of layout on first floor masonry walls, appellant is willing to put forward a layout amendment by condition. This is supported by PA's CO.
- Noted DAU and CO recommend attachment of archaeological conditions which are acceptable to the appellant.

*Response to Refusal Reason No. 5*

- Residential accommodation standards (such as those under GCDP Sections 11.3.1 (e) or 11.4.1) should not apply to the proposal on the basis that it is for short-term letting/ student accommodation.
- Proposed use is less sensitive/ has a lower standard of residential amenity (re: noise and disturbance impact of adjoining beer garden) and is suited to noisy city centre location. Proposed hours of use of amenity are unlikely to conflict with pub.
- Query raised as to the planning status of the neighbouring beer garden.

The following documents were enclosed with the GOA:

- Appendix 1: Copy of PA decision.
- Appendix 2: Copy of PA Planner's report.
- Appendix 3: Copy of Licensing of Outdoor Tables and Chairs and other Street Furniture – Policy Document 2011.
- Appendix 4: Copy of email from PA confirming that 2011 Policy Documents is in force.
- Appendix 5: Section 254 License LIC/18/36 Planners Report.
- Appendix 6: Report on the Progressive Design Development of the Use of no 21 Shop Street – by Sean Dockry, Conservation Architect (undated).

## 9.2. **Planning Authority Response**

No response received.

## 9.3. **Observations**

2 no. observations were received from a neighbouring property owners, Craig Higgins (19/01/2026) and Kieran and Ann Murphy (22/01/2026). These raised the following issues:

- Concerns raised at application stage regarding security, privacy, foul drainage, existing and future residential amenity and building control matters reiterated.
- GOA do not satisfactorily address privacy impact on No. 22 Middle Street.

- Where permitted, seek condition requiring permanent blocking up of opes in party wall to No. 19/20 Shop Street.
- Appellant has provided no further clarification on foul drainage arrangements.

The observation dated 19/01/2026 is accompanied by photographs of the rear elevation of 'The Bakehouse' [former Griffith's bakery] as observed from the garden of No. 22 Middle Street and close-ups of its glazing arrangements.

The observation dated 22/01/2026 is accompanied by a signed copy of a legal agreement ('Deed of Release' dated 14/11/2023) made between the appellant and Kieran and Ann Murphy regarding the relinquishment of an existing right of way from No. 21 Shop Street onto the adjoining property (alleyway/ beer garden) at 19/20 Shop Street and the blocking-up of the existing opes (doorways) in the party boundary [noted this document was made in connection with an earlier agreement between the parties regarding the withdrawal of a third party appeal made on P.A. Ref 22/219 (ABP-315703-23)].

## 10.0 **Assessment**

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, 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:

- Principle of Development
  - City Centre Zoning
  - Ground Floor Layout and Use
  - Proposed Upper Floor Use
- Future Residential Amenity
- Other Matters
  - Built Heritage and Archaeology
  - Impact on Neighbouring Amenity

- Wastewater and Water Supply
- Party Wall
- Waste
- Bat Survey
- Fire Safety Building Control

## **10.1 Principle of Development**

- 10.1.1. Government policy is to encourage the regeneration of cities (National Planning Framework (NPF) NPO 6) and deliver a significant proportion of new housing in the existing built-up footprint of same (NPF NPO 3c), with RPO 3.8 supporting replacement and refurbishment initiatives. These objectives are further supported by GCDP Section 3.8 (Sustainable Neighbourhoods: City Centre Residential Areas) which encourages the refurbishment of older buildings, bringing unused or underused buildings into residential use; Policy and Section 8.1 (Record of Protected Structures)(8) which supports the appropriate adaption and reuse of historic buildings); Section 6.5 and Policy 6.12 (Retail Hierarchy)(1) which encourage the refurbishment of older buildings & bringing unused or underused buildings into residential use; and, by Policy 10.1 (City Centre)(5) encouraging use of vacant upper floors in the city centre and promote city centre living.
- 10.1.2. I draw the Commission's attention to the planning history of the appeal site (detailed in Section 4.1 of this report). This includes a permission under P.A. Ref. 22/219 for the change of use of the first, second and third floors of the Protected Structure at No. 21 Shop Street from bakery/ ancillary staff support accommodation to residential accommodation (in the form of 2 no. 4-bed residential units) which the appellant states was never enacted due to fire safety/ building regulation compliance issues. It also includes a recent proposal under P.A. Ref. 24/60413 by the same applicant (Jessed Ltd.) for essentially the same development as is now proposed which was also refused permission for 5 no. reasons (which are each directly relevant to appeal proposal) and was not subject to an appeal. The only notable difference between the 2024 scheme and current scheme is the proposal for a single aspect ensuite double bedroom at ground floor level (part of Res. Unit No. 1) overlooking the adjoining alleyway/ beer garden – which is replaced by a lobby & storage space in the current proposal thereby

reducing this unit from a 6-bed to a 5-bed – and the layout of the kitchen/ dining/ living space serving Res. Unit No. 2 which has been amalgamated/ reduced in size in the current proposal, being replaced in part by a storage/ service area.

### City Centre Zoning

- 10.1.3. The appeal site is subject to zoning objective ‘CC – City Centre’. The purpose of this zoning is *‘To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city’*. ‘Retail’, ‘residential’, ‘offices’ and ‘tourist-related uses’ are each noted to be *“uses which are compatible with and contribute to the CC zoning objective”* and, on this basis, I am satisfied that the residential and office elements of the proposal are acceptable in principle subject to the detailed considerations below.
- 10.1.4. I note that neither ‘café’ or ‘bakery’ uses nor ‘short-term rental accommodation’, ‘visitor or tourist accommodation’ or ‘student accommodation’ are listed as distinct use classes under the ‘CC’ zoning objective or indeed more generally under the development plan’s zoning policy. This matter is considered further in subsequent sections of this report where I assess these uses separately against other relevant development plan policies.

### Ground Floor Layout and Use

#### *No. 21 Shop Street*

- 10.1.5. The appellant is proposing to reduce the scale of the existing ground floor commercial unit at No. 21 Shop Street in order to accommodate a new residential entrance/ access point to the upper floors off the main street (integrated into the shopfront). This is identified in yellow on the proposed ground floor plan. It is also proposed to provide a lobby and storage areas etc. beyond the access stairs (to Res. Unit 01), with the proposed floor plans stating that this rear area (comprising stores, service areas and a lobby) would be for the use of the ground floor commercial unit.
- 10.1.6. The existing, vacant ‘retail bakery shop and coffee dock’ commercial unit currently accounts for the entirety of the ground floor plate (c. 177sq.m). In comparing the existing and proposed floor plans, I note a new doorway on the northern side of the Shop Street elevation which leads to an entrance hallway connecting to an existing staircase to the first floor is proposed to serve the short term residential/ student

accommodation on the upper floors of No. 21 (Res. Unit 01). Whilst there are no additional ground floor residential service areas indicated (reception/ concierge etc.), I note that the majority of the back of house café/ bakery use at ground floor level will be severed from the front of house operations of this unit (c. 21sq.m) on account of the proposed stairwell and will only be accessible from the newly proposed residential entrance hallway and no longer directly from the commercial unit. Therefore, whilst the practical impact of the appellant's proposals would not be to significantly, materially reduce the scale of this unit and use (though it is noted that the proposed access would require some floorspace take), they would give rise to a functional severing between the unit's remaining c. 21sq.m 'front of house' area on the west side of the building fronting Shop Street and its much larger 'back of house' areas (former customer seating and refrigeration/storage areas etc.) which are currently directly accessible via a corridor leading from the front of the unit.

10.1.7. The cover letter submitted with the application explains that the proposed new access (described as a protected escape route and separate doorway on the front elevation) enables the resolution of fire safety compliance for the proposed use of the premises. However, I note that no further technical documentation is submitted to substantiate this argument with the exception of Appendix 6 to the GOA. This is a report on the Progressive Design Development of the Use of No. 21 Shop Street prepared by Sean Dockry, Conservation Architect which states that "*alternative resolutions to the safety of the occupants of these buildings, under Part B relating specifically to escape routes, have been integrated and in our professional opinion are essential to avoid dereliction and disuse of the upper floors of these premises*".

10.1.8. Having regard to the existing layout and built fabric of the Protected Structure and to the design constraints posed by same, I do acknowledge that the provision of any form of residential accommodation (i.e. be it short stay or long term which would require the same Building Regulation compliant access arrangements) on the upper floors of No. 21 is likely to necessitate some severance of the front retail/ retail service unit with its back of house areas on account of the latter's location to the rear of a significant structural wall within this protected structure. Conversely, to maintain the functional connection, whilst also providing for a new residential access in an alternate location, may involve significant structural interventions and a loss of historic fabric. Notwithstanding, I consider that insufficient information has been provided to allow the

Commission to reach a determination on the competing objectives of bringing the upper floors into active, building regulation compliant use whilst safeguarding the integrity of the protected structure and functionality of the ground floor commercial unit. Furthermore, given the fact that no pre-application consultation was undertaken with the PA and having regard to the guidance provided under Chapter 17 – Alterations to Enhance Fire Safety of the Architectural Heritage Protection Guidelines for Planning Authorities (2011), I consider that it has not been satisfactorily demonstrated that the residential access strategy as proposed is the most preferable option or that there is no alternative option for the treatment and layout of the ground floor of No. 21 Shop Street. This lacunae is of particular concern given the matter of the cumulative impact on the existing retail/ commercial use and the loss of historic fabric/ shopfront fabric which I discuss in latter sections of this report.

- 10.1.9. The PA's refusal reason No. 2 outlines their determination that the proposed reduced ground-floor retail/ café unit at No. 21 Shop Street would constitute a non-conforming use at ground-floor level on a primary shopping street and would lead to the cumulative erosion of its established retail function, contrary to Policy 10.1 (City Centre) and to Sections 11.2.7 (City Centre) and 11.4.5 (Uses) of the development plan. I note the similarity to refusal reason no. 1 for the previous proposal under P.A. Ref. 24/60413.
- 10.1.10. The PA's refusal reason no. 1 outlines the proposal's non-compliance with Section 11.4.5 (Uses) on the basis of the conversion of the ground floor of the building on a principal shopping street from retail to retail service use and ancillary residential use – which is not permitted on the basis that it would undermine the retail function of Shop Street. The same refusal reasoning was also cited for P.A. Ref. 24/60413 (No. 2).
- 10.1.11. Whilst the GCDP provides no explicit definition for what constitutes a 'retail' use as distinct from a 'retail service use', Section 11.4.5 makes it clear that, in policy terms, retail services are considered to be non-retail uses. In this respect, it is apparent to me from the information on file that, during its operation in the period up until its closure in c. 2019, the existing c. 177sq.m ground floor commercial unit was demonstrably not in exclusive retail use but was in both retail (bakery shop) and retail service use (as a café with internal and external customer seating provided by way of S. 254 outdoor furniture license(s)) which provided for public accessibility and street level animation. For this reason, I do not agree with the PA's view that the proposal would give rise to

the conversion and material change in the use of the ground floor of No. 21 from retail to non-retail in contravention of GCDP Section 11.4.5. I also do not consider that the proposed new access to No. 21 would give rise to a contravention of the aforementioned policy on the basis that it would involve a small net loss in the overall commercial floorspace at ground floor level.

10.1.12. The PA's refusal reason no. 2 cites the small footprint, limited facilities and format of the proposed c. 21sq.m ground floor unit on a primary shopping street in their determination that the proposal will give rise to a non-conforming use. I acknowledge the PA's concern regarding the reduction in the scale of the café/ bakery unit, and I note that there is a clear policy basis in Section 11.4.5 (Uses) for consideration of what constitutes an exceptionally small commercial unit (i.e. less than 20sq.m). Whilst I note that the proposed access would give rise to a proportion of retail floorspace take/ a small loss of retail provision on the north side of the front of house area and I would have concerns regarding the rationale put forward to justify the impact on the practical operation, functionality and proposed format of the ground floor commercial unit that would remain (as outlined previously), I do not agree with the PA's view regarding the small footprint on the basis that there is no evidence put forward that the proposal would give rise to a ground floor retail/ retail service unit that would be un-operable or commercially unviable. Similarly, whilst the subject building does occupy a prime location on one of the city's premier shopping streets, on the basis that the appellant is not actually proposing to convert the majority of the existing retail/ retail service floorspace to another non-retail use, I am of the view that there is no basis for a finding that the proposal would contribute to the erosion and deterioration of retailing in the city centre or that it would be non-compliant with GCDP Policy 10.1 (City Centre) or Section 11.2.7 (City Centre), which strongly oppose the loss of retail use on the city's primary, principal shopping streets.

10.1.13. Notwithstanding the foregoing, I do acknowledge that the rear/ back of house supporting space is extensive in area relative to the retained retail/ front of house element and, as detailed in paragraph 10.1.8 of this report, I am not satisfied that the severance of this ground floor commercial unit and the related reduction/ loss of (previously) publicly accessible retail/ retail service floorspace that would arise has been justified or that there is no alternative layout that could be pursued.

*No. 24 Middle Street*

10.1.14. The PA also raised a concern regarding the proposed change of use of the ground floor of No. 24 Middle Street from café/ retail to a small office unit on the basis that inadequate detail had been provided on the nature of the proposed office use. I note that the unit is currently vacant and is contributing to disamenity on the street. Having regard to the planning history of this property, mixed land use profile of the street, the existing level of vacancy in retail/ retail service units on this street which is not a designated principal shopping street, and to the fact that there is no evidence before me to suggest that its change to office use would be unviable, I consider this aspect of the proposal to be acceptable in its own right.

Proposed Upper Floor Use

10.1.15. The appellant is seeking permission for the change of use of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of No. 21 Shop Street into 2 no. residential units which would be used interchangeably for short term letting or as student accommodation. I note that there is no certainty regarding the nature of the occupancy.

*Short-Term Letting*

10.1.16. The PA's refusal reason no. 3 refers to the proposal giving rise to the removal of 2 no. substantial multi-bed units from the stock of long-term rental residential accommodation available for permanent occupation within Galway City Centre, which is a designated "Rent Pressure Zone". It is stated that this would be contrary to section 23 of Policy 3.1 (Housing Strategy) which establishes a presumption against allowing short-term let use in view of the city's rent pressure zone status. This contravention of the development plan is acknowledged in the submitted application cover letter and is justified with regard to the historic nature of the premises and the implications of same for the achievement of natural light and residential amenity.

10.1.17. I note from the information on file that the upper floors of No. 21 are in long-standing commercial use ancillary to the operation of the on-site café/ bakery and not as residential accommodation.

10.1.18. The GOA put forward a strong rebuttal of the PA's refusal, noting that the buildings are vacant and do not accommodate residential units and that the proposal will not give rise to loss of residential units from the city's existing long-term residential housing

stock. The core of the argument being that the upper floors are unsuitable for long term residential use on account of their fabric, layout and configuration together with the nature of the adjoining uses.

- 10.1.19. I note the general policy support in the GCDP for a sustainable range of tourism accommodation (Sections 3.6.8 and Policy 6.8) and the recognition of Galway city centre as having a supporting role for tourism activities (Section 10.2). Whilst I am supportive in principle of the proposal to bring back into active use the upper floors of No. 21, the acceptability of the proposed use of these floors for short-term letting/ as student accommodation is the crux of the matter for assessment and must be balanced against other policy considerations such as those relating to residential amenity, the rent pressure zone status of the city centre and the high demand for permanent housing.
- 10.1.20. Section 7.8 (Rebalancing the Short Term Lets Sector) of the Government's *Delivering Homes, Building Communities 2025-2030 Action Plan* indicates that planning permission for new short-term lets will be generally precluded in cities, ensuring that homes are available for residential use where the need is greatest. In this context, local authorities are required to develop policy on short-term let planning applications which must consider factors such as housing need in an area, urban regeneration benefits and the requirement for tourist accommodation.
- 10.1.21. The appellant seeks to draw the Commission's attention to the fact that *Circular PL4/2019 New Regulation of Short Term Letting* provides for the consideration of exceptional circumstances in the assessment of planning applications for short-term letting and they argue their proposal fulfils these parameters.
- 10.1.22. The most recent *Circular on Short-Term Letting and the Planning System SPI01/2026* was published in February 2026 and seeks to clarify the current legislative and policy framework for the regulation of short-term letting of apartments and other residential accommodation in the planning system. This circular requires that, in assessing planning applications for change of use in the case of a new proposal for short-term letting, planning authorities must make a planning decision on the merits of the particular application, having regard to any relevant policies set out in the local authority development plan for the area in question. I note that this policy direction does allow for a consideration of exceptional circumstances where planning

permission for short-term letting may be granted within cities, including “*where such development would enable a viable ‘over the shop’ use or the refurbishment of a protected structure*”.

10.1.23. The subsection on ‘Housing for Specialist Needs’ in Section 3.2 (Housing Strategy) of the development plan provides that “*The successful tourism economy of the city creates a high demand for tourist accommodation which impacts on house supply. The Council will continue to control short term letting accommodation to prevent a negative impact on housing supply and/or an over-concentration of such uses*”. Whilst Policy 3.1 (Housing Strategy) (23) seeks to “*ensure the provisions of the Residential Tenancies (Amendment) Act 2019 and the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 and any other future legislation and guidelines are applied where planning permission is required to control short-term letting accommodation to prevent a negative impact on housing supply and/ or an over-concentration of such uses. Notwithstanding this, where planning consent is required under legislation for short term letting, there will be a presumption against allowing such a use in view of the status of the city defined as a rent pressure zone*”. Accordingly, while there is a general presumption against the provision of short-term rental accommodation, the use is not entirely prohibited by policy within the GCDP. In this regard, while ‘short-term letting’ is not listed as a distinct use class of residential accommodation, I consider it reasonable to assess it in accordance with the overall policies and objectives in the development plan.

10.1.24. The upper floors of No. 21 are not currently in use as permanent residential accommodation (long-term occupancy) with the Conservation Architect report provided as Appendix 6 to the GOA stating that “*Any proposed redevelopment of this Protected Structure containing substantial upstanding medieval fabric, needs to balance the Conservation of Heritage, integration of Building Regulations and the Development Plan requirements*”. Notwithstanding, having regard to the planning history of the site and surrounding area and my observations of the nature and character site and its surrounds, as per the view of the PA, I consider that this location would be suitable in principle for the development of such ‘conventional’ residential accommodation – subject to suitable noise intrusion mitigation and thermal measures etc. In this regard, I note the appellant’s argument that the 1<sup>st</sup> – 3<sup>rd</sup> floors of No. 21 are not suitable for long term residential use due to their fabric, layout and configuration

and the emerging demographic demand for smaller residential units on account of falling household sizes. Whilst I acknowledge that the status of the subject property as a protected structure does give rise to some constraints and design challenges, I draw the Commission's attention to the permission for 2 no. residential units in respect to No. 21 which was previously applied for and granted under P.A. Ref. 22/219. Based on this fact together with the information on file, I am not satisfied that the appellant's general argument that exceptional circumstances arise which render the accommodation unsuited to conventional residential use or arrangement (i.e. to facilitate longer term residential occupation) has been satisfactorily demonstrated or substantiated or that the feasibility of converting the upper floors to longer term residential accommodation has been sufficiently investigated.

10.1.25. Therefore, having considered the proposal on its own merits, in light of my considerations above and conclusions under Section 10.3 (Built Heritage) regarding the potential for the proposed refurbishment and redevelopment to give rise to a detrimental impact on the built fabric of the Protected Structure, in addition to my concerns raised regarding the proposal's impact on the ground floor commercial unit (Section 10.1) and in respect to the current, proposed layout not achieving adequate standards and therefore providing for a poor standard of residential amenity (discussed in Section 10.2), it is my opinion that there are insufficient grounds on which the proposed change of use might warrant favourable consideration under Circular SPI01/2026. For these reasons, I am of the view that the proposal has the potential to have a negative impact on housing supply in a designated rent pressure zone contrary to Section 3.2 (Housing Strategy) and Policy 3.1 (Housing Strategy)(23) of the development plan.

#### *Student Accommodation*

10.1.26. In respect to the proposal to provide for student accommodation, Section 11.30 (Student Accommodation) and Policy 3.1 (Housing Strategy)(17) support the provision of high quality, appropriately designed (incl. adequate amenity areas and open space; quality on-site storage, waste management, bicycle, amenity and leisure facilities), professionally managed, purpose-built student accommodation on/off campus at appropriate locations in terms of access to sustainable and public transport modes and third level institutes, in a manner which that respects the residential amenities of the

surrounding area. However, given that the proposal subject of this appeal is not for purpose-built student accommodation, and in the absence of certainty regarding its use, it must be assessed against normal residential standards.

10.1.27. I note that the proposal subject to the appeal before the Commission follows very closely a related scheme on the same site under P.A. Ref. 24/60413 – essentially being a reworking of same. In that case, the PA concluded that the proposed residential accommodation did not satisfy the Sustainable Urban Housing: Design Standards for New Apartments (July 2023) or Section 11.30 of the GCDP relating to student accommodation. A decision to refuse permission issued accordingly. I consider that this refusal reasoning, as it relates to compliance with residential accommodation standards, remains valid in respect to the current proposal and I discuss the matter of future residential amenity in further detail in Section 10.2.

## 10.2. **Future Residential Amenity**

10.2.1. The appellant argues that residential accommodation standards, such as those set out under Sections 11.3.1 (e. Daylight) or 11.4.1 (General – design and layout should protect amenities etc.) of the GCDP do not apply to their proposal. However, I note that there are no specific quantitative floorspace or area standards for student accommodation or short term letting/ visitor accommodation set out under the GCDP and I do not agree with their assertion that a lower standard of residential amenity would apply to the proposed use on account of its lower level of occupational sensitivity.

10.2.2. It is my view that short-term residential accommodation and student accommodation are essentially commercial forms of residential use to which the aforementioned conventional residential accommodation standards would apply. This is also demonstrably the view of the PA who refused permission for the proposal on the basis of how its layout and design would fail to provide an adequate standard of residential amenity for future occupants (refusal reason No. 5).

10.2.3. Whilst no housing quality assessment or schedule of accommodation is provided with the application, from my review of the floor plans, I am generally satisfied that the residential floorspace of the 2 no. proposed units is broadly in compliance with the requirements of the 2025 Apartment Guidelines and I refer in this regard to Specific Planning Policy Requirement (SPPR) 2 and Appendix 1 which set out the minimum

floor area (90sq.m+ for 3-bedroom apartments or larger) and standards. The application of SPPR 2 and many of the other SPPRs relating to aspect, ceiling heights, storage and private & communal amenity space provide for general flexibility and relaxation in terms of refurbishment schemes. I also refer to Section 6.1 which stipulates a practical and flexible approach in relation to refurbishment, referencing in particular historic buildings, 'over the shop' type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.

10.2.4. Notwithstanding the foregoing, I have reviewed the information on file including the proposed floor plans and elevations and have had particular regard to the following: the substandard form of residential amenity provided to Unit No. 2 by reason of its poor/ restricted single aspect; by way of the single window shown to serve its ground floor living space and its related likely poor standard of internal daylighting. This poor outlook/ aspect is also an issue for bedrooms no's 2 & 4 in Unit No. 1 which would directly adjoin and overlook the adjoining pub beer garden below. Given the constrained nature of the site and the as-built arrangements to the side and rear of the property as illustrated by my site inspection photos, I would also have concerns regarding the adequacy of daylighting levels being provided to much of the proposed units (particularly the habitable rooms on the lower levels), and I note no report addressing this matter was submitted with the application. My concerns are exacerbated by the issues regarding privacy and direct overlooking of the neighbouring garden serving No. 22 which would arise from the unobscured north-east facing windows of Res. Unit No. 2 as discussed below in Section 10.3 of this report. On this basis, I am not satisfied as to the proposal's compliance with the general requirements of GCDP Section 11.4.1 (regarding protection of amenities) or with Section 11.3.1(e) which requires that all buildings receive adequate daylight and sunlight. Given their nature and extent and having regard to the guidance set out under Section 7.9 of the Development Management Guidelines, I am not satisfied that the identified shortcomings in the design, aspect or layout of the proposal could be addressed by way of condition and I consider that they would be required to be considered in more detail in a revised design proposal.

10.2.5. I also draw the Commission's attention to the access arrangement proposed via No. 24, whereby one of the proposed residential units in No. 21 (Res. Unit No. 1) would be

accessed via the newly created access door and hallway on the ground floor of No. 24 Middle Street which would, in turn, lead to the external rear yard (to be used as the bin and bike store) and a stairwell connecting to the rear of No. 21. Whilst atypical, I am satisfied that, given the city centre context of the site, this access strategy would not give rise to disamenity or to undue nuisance or disturbance to the upper floors of No. 24.

- 10.2.6. In light of the foregoing considerations, I would have serious concerns that the current proposal would provide for a substandard form of residential development that would seriously injure the residential amenity of future occupants and which would not be compliant with the requirements of the GCDP.

### 10.3. **Other Matters**

#### Built Heritage and Archaeology

- 10.3.1. The buildings on site are both included on the Record of Protected Structures (RPS) and lie within the City Core ACA. I note that the appeal site is also archaeologically sensitive, coming within a ZAP and forming part of a recorded monument, with the buildings on site being of both archaeological and architectural significance and known to contain medieval fabric. In this regard, I draw the Commission's attention to the Archaeological Heritage Impact Assessment (AHIA) submitted with the application.
- 10.3.2. The PA's CO considered that the proposed high intensity residential use and internal layout as proposed may lead to the unacceptable alteration or removal of medieval/historic building fabric (original masonry walling and historic plaster) in the Protected Structure (No. 21) and sought that the design be revised in response to an FI request. The CO also encouraged the replacement of the existing uPVC windows with more traditional forms and sought further details in respect to the buildings' materials and finishes.
- 10.3.3. I note that no revised design or layout plans seeking to address the COs comments or RFI were submitted by the appellant as part of their GOA. In this regard, I note the report by the Scheme Architect submitted as Appendix 6 to the GOA states that "*the proposed impacts on conservation and medieval fabric has been kept to a minimum and has mitigation measures proposed*". However, from my reading of the full report, this statement appears to relate only to the matter of creating safe and building regulation compliant access/ egress and fire escape routes from the upper floors of

No. 21 rather than to the impact of the accommodation units' layout on the built fabric of the structure. On this basis, I consider that the matter of the interventions to the historic built fabric required in respect of the proposed short-term letting/ student accommodation use has not been adequately addressed in the application documentation.

10.3.4. I have considered the nature and extent of the proposed residential use and the changes and interventions to the built fabric of No. 21 that it will necessitate (as illustrated on the proposed demolition plans). I acknowledge that No. 21 provides for a constrained and sensitive building envelope where some intervention or removal in the historic fabric/ structure would be necessary in order to bring the building back into productive residential use. However, in considering the minimal changes to the proposed ground floor (in part) and 1st - 3rd floor (in full) layouts made between P.A. Ref. 24/60413 and the current proposal together with the nature and extent of the proposed works and the impact of same, I would share the CO's concerns with regard to the intensity of the proposed short-term letting/ student accommodation use and I consider that the number of bedrooms, WCs (and particularly the related plumbing and sanitary infrastructure) and the intended high occupancy level as currently proposed on account of the intended intensive use of the building, would give rise to an unacceptable cumulative negative impact on the built fabric and character of the protected structure. I consider this a significant, material design issue that is not capable of being addressed by amending condition as per the rationale set out in 10.2.4 and I consider the likely impact on the built fabric of the Protected Structure to be unacceptable having regard to the wider issues raised in Sections 10.1-10.2 of this report.

10.3.5. The PA's CO also raised the need to protect and record the existing original shopfront features incl. any historic masonry walling. I note the current shopfront to No. 21 appears to be largely the original shopfront in terms of its overall structure and fabric. It comprises a centrally positioned folding timber door to the left, with plate glass display windows flanked by end pilasters and a fascia board above. The appellant proposes to redesign the shopfront in order to provide a new residential entrance door on the left and a relocated entrance door to the commercial unit on the right with centrally placed glass display window – all below the aforementioned fascia arrangements.

- 10.3.6. Whilst the partial loss of historic/ original masonry and shopfront built fabric, in order to facilitate safe access and to bring the upper floors of a Protected Structure back into active use, may to be acceptable in principle in a situation where the overall proposal is acceptable, given the substantive concerns with the ground floor layout as proposed detailed in Section 10.1, together with the residential amenity issues outlined in Section 10.2, that is not the case in respect of the subject proposal which is devoid of sufficient justification as highlighted previously.
- 10.3.7. In noting the archaeological context and potential of the site, the DoHLGH's DAU sought the attachment of archaeological conditions requiring the engagement of a suitably qualified archaeologist and the preparation of a comprehensive survey and archaeological record of the subject buildings; preparation of an updated AIA archaeological impact statement (informed by licensed opening-up works; historical surveys and mapping etc.) which shall be submitted to the PA and DAU for written agreement in advance of commencement of the development works. I note that this 'preservation by record' approach is generally in line with that taken as part of the previous planning history on the sites and, on this basis and without prejudice to the concerns raised regarding the impact of the proposal on the site's built heritage, I am satisfied that the matter of the site's archaeology could be addressed by bespoke condition where the Commission are minded to grant permission.

#### Impact on Neighbouring Amenity

- 10.3.8. The observers have raised various issues regarding the proposal's impact on the security, privacy, acoustic environment, enjoyment and visual amenity of neighbouring properties.

#### *Security and Privacy*

- 10.3.9. Third party concerns in respect to the above centre on the proposed change of use and related changes to No. 21's rear/ side glazing arrangements. In terms of the matter of security risk to neighbouring properties, I note that whilst changes are proposed to the access arrangements to No's 21 & 24, the new opes on Shop Street and Middle Street will be secured by lockable doors as shown on the proposed elevation drawings, with the proposed permanent sealing-up 2 no. existing doorways onto the alleyway serving Taaffe's part also further securing neighbouring properties. I also note from the submitted plans that no new opes are proposed to the rear or side of either property

and, on this basis I am satisfied that the proposal reduces no new security risk to neighbouring properties.

10.3.10. Concerns have been raised regarding privacy and the potential for overlooking given the proximity between the subject site and the existing residential property at No. 22 Middle Street and, in this respect, I note the photos on file taken from the rear garden on the said property which illustrate that No. 24's ground floor rear windows are obscured/ frosted and designed in such a way that prevents egress – with the observer seeking that these arrangements are maintained.

10.3.11. As above, I note that there is no proposal to introduce additional opes on the subject property's rear or side elevations and I am satisfied that there will be no material change to the as-built relationship/ mutual overlooking between the back-to-back properties in this regard. However, I do acknowledge that there are currently a number of windows on the rear/ side elevation where the glazing is obscured, with the proposals being unclear as to whether these arrangements are proposed to continue or to be replaced by non-obscured glazing. Whilst the maintenance of obscured glazing on the ground floor rear elevation of No. 24 would not be an issue on the basis of the proposed use of that unit as an office, the matter of maintaining existing obscured glazing to No. 21 where residential occupation is proposed is more problematic, for example with regard to the north-east facing windows serving the living space and bedrooms proposed in Unit No. 2 which face No. 22's rear garden. I consider this matter further in the context of related daylight and future residential amenity issues in Section 10.2 of the report.

#### *Noise and Disturbance*

10.3.12. The observers have also raised issues regarding noise and potential disturbance from plant and antisocial behaviour given the proximity between the appeal site and adjoining third party properties.

10.3.13. In respect to the potential for noise and disturbance arising from anti-social behaviour, as above I note that there are no material changes to the subject property's opes that would provide for greater access to adjoining properties and I note the site context which includes an adjoining beer garden, a principal shopping and city centre street which has a vibrant night time economy. Furthermore, whilst an external shared amenity space is proposed to the rear of No. 21, I note that this is designed in such a

way that it is enclosed within/ by the built form of same and is therefore unlikely to give rise to disturbance to adjoining properties given the existing built context of the site.

- 10.3.14. With regard to the noise from plant, I note that no plant forms part of the description of development applied for or is shown on the proposed floor plans or elevations (i.e. other than an annotation on the floor plans referring to 'proposed AOV above'. For this reason, there is no information on file with which to base an assessment with regard to the likely impact on residential amenity. Notwithstanding, given the nature and extent of the existing built context of the site, I consider that it is unlikely that negative impacts on residential amenity would arise from same. However, I do recommend that a condition to control noise emissions from the property's plant be attached where the Commission are minded to grant permission.

#### Wastewater and Water Supply

- 10.3.15. The property has existing connections to the foul drainage network and to the public water supply mains which are to continue to be used to serve the proposal. Whilst I note that there is no correspondence on file from Uisce Eireann (UE), having consulted the UE capacity registers (accessed 25/03/2026), I am satisfied that there is sufficient water supply and wastewater treatment capacity available and also that the proposed change of use and the bringing of No. 21 Shop Street back into active use will not give rise to significant additional demand that is not capable of being met.
- 10.3.16. An observer has raised an issue with the level of detail provided in respect to the property's existing foul drainage connection and argues that it is unclear whether this is proposed to be via a new direct connection from No. 21 to the public sewer or whether the existing arrangement, which they state is via a 3<sup>rd</sup> party property and then on to the public sewer, is proposed to continue.
- 10.3.17. As outlined previously, the principle of utilising an existing connection to the public mains is acceptable on the basis of their being adequate capacity in same and I see no reason that the properties current, presumably longstanding drainage arrangement cannot continue. In this context, I note that the matter raised constitutes a civil matter for resolution between the parties and it would not be appropriate for the Commission to adjudicate on same.

#### Party Wall

- 10.3.18. For security reasons, one of the observers seeks that, where the PA's refusal is overturned, a condition is attached to requiring the permanent blocking up of existing doorways in the party wall to the side alley of Taffe's Bar No's 19/20 Shop Street, which gives access to an alleyway/ the pub beer garden serving that property.
- 10.3.19. I note that the present form of the building and adjoining property together with the proposed design and new residential access strategy renders these opes to be redundant and I draw the Commission's attention to the civil/ right of way-related background to this request which is set out under Section 9.3 of this report.
- 10.3.20. Whilst this work would need to be undertaken with due care so as to ensure that it is reversible and would not permanently alter the architectural character of the Protected Structure in terms of its historic elevational design, features and evidence of functional relationship to adjoining lands, I consider that, where the Commission are minded to grant permission, this a design matter that could be addressed as part of a relatively standard planning condition with regard to materials and finishes to be agreed with the PA. Subject to such preconditions, I consider the proposed interventions to be justified.

#### Waste

- 10.3.21. The PA were of the opinion that inadequate detail had been provided on the scheme's waste storage and collection arrangements.
- 10.3.22. I note that waste storage is proposed in an external area to the rear of both buildings that will also function as the bike parking area, with this area being accessed via a new entrance off Middle Street (created by repurposing the northern portion of the ground floor unit).
- 10.3.23. Whilst I agree with the PA that the arrangements are poorly detailed and considered, I am of the view that, in isolation, this is a minor design matter that could reasonably be addressed by condition where the Commission were minded to grant permission.

#### Bat Survey

- 10.3.24. The PA noted that the applicant had provided no bat survey and considered the proposal was non-compliant with GCDP Policy 5.2 (Protected Spaces: Sites of European, National and Local Ecological Importance) (10) on this basis.

10.3.25. Whilst the appellant did not address this matter as part of their GOA, I note that the rationale for this requirement to provide a bat survey was not elaborated upon by the PA in their report.

10.3.26. Policy 5.2(10) seeks to “*Protect and conserve rare and threatened habitats and their key habitats, (wherever they occur) listed on Annex I and Annex IV of the EU Habitats Directive (92/43EEC) and listed for protection under the Wildlife Acts 1976-2000 and plant species listed in the Flora Protection Order 2015*”. However, I note that there is nothing on file to evidence that there are bat roosts on the site and, on this basis, I am satisfied that the proposal does not contravene the aforementioned policy provision.

#### Fire Safety/ Building Control

10.3.27. An observer has raised various issues regarding the design, materiality and servicing/ operation of the building having regard to the building control and fire protection regulations.

10.3.28. I consider that the matters raised by the observer fall under a separate statutory code and are outside the scope of this appeal. In this regard, I note the report on file from the PA’s Building Control section which raises no objection to the proposal subject to condition regarding all works being carried out in compliance with Building Regulations.

## 11.0 Recommendation

I recommend that permission be REFUSED for the following reasons:

## 12.0 Reasons and Considerations

1. Having regard to the location of the site and to the nature of the proposed development which seeks permission for the change of use of ground, first, second and third floors of No. 21 Shop Street to residential accommodation for short term letting/ student accommodation would be contrary to Section 3.2 (Housing Strategy) (Housing for Specialist Needs) and Policy 3.1 (Housing Strategy) (23) of the Galway City Development Plan 2023-2029 which provides for the control of short term letting accommodation to prevent a negative impact on housing supply.
2. Having regard to the location of the site on lands zoned ‘CC – City Centre’, to the planning policies, objectives and development standards of the Galway City

Development Plan 2023-2029 and particularly to Section 11.4.1 (General) regarding the protection of amenities and Section 11.3.1(e) which requires that all buildings receive adequate daylight and sunlight, the Commission is not satisfied that the layout and design of the proposed apartment units would achieve adequate levels of natural light and the proposed development would therefore give rise to a substandard form of residential development on the site which would seriously injure the residential amenity of future occupants, and further would give rise to a negative impact on neighbouring residential amenity by reason of overlooking.

3. The site is located within the City Core Architectural Conservation Area and a Zone of Archaeological Potential and incorporates 2 no. Protected Structures. Section 8.1 (Record of Protected Structures)(8) and Policy 8.1 (8) of the Galway City Development Plan 2023-2029 promote best conservation practice and the appropriate maintenance, adaption and reuse of historic buildings, with Policy 8.1 (2) requiring new development to enhance the character or setting of a Protected Structure. The proposed development involving alterations to, and the change of use of, No. 21 Shop Street to short term let/ student accommodation, would result in the loss of historic built fabric and would be contrary to the aforementioned Development Plan provisions and to the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The Commission is therefore not satisfied that the proposal would provide for proper planning and sustainable development.

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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Emma Gosnell

Planning Inspector

17<sup>th</sup> April 2026

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>PL-500580-GC-26</b>
<b>Proposed Development Summary</b>	Permission for alterations to commercial premises to include reduced cafe/retail unit at ground level, change of use of existing café/ retail unit to office, and change of use to 1st, 2 <sup>nd</sup> and 3 <sup>rd</sup> floors to 2 no. residential units and all associated works. Protected Structures (RPS No. 9306 and RPS No. 6107).
<b>Development Address</b>	21 Shop Street & 24 Middle Street, 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>	
<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 development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for refurbishment of building to provide 2 no. dwelling units.  Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is c. 0.034 ha.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500580-GC-26</b>
<b>Proposed Development Summary</b>	Permission for alterations to commercial premises to include reduced cafe/retail unit at ground level, change of use of existing café/ retail unit to office, and change of use to 1st, 2nd and 3rd floors to 2 no. residential units and all associated works. Protected Structures (RPS No. 9306 and RPS No. 6107).
<b>Development Address</b>	21 Shop Street & 24 Middle Street, Galway.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>	The development is for the refurbishment & redevelopment of a commercial building formerly in use as a café and bakery in order to provide for its majority

<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>conversion to 2 no. residential units (for short term letting/ student accommodation) and related works. It comes forward as a standalone project, does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</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 development site constitutes an existing 2-4 storey building and an existing 3-4 storey building which forms part of the existing mixed-use streetscapes on Shop Street and Middle Street in Galway city centre.</p> <p>The River Corrib (EPA Code: IE_WE_30C020600) is located c. 180m to the west of the appeal site as is the Lough Corrib SAC (Site Code 000297). This river outfalls to the Corrib Estuary (EPA Code: IE_WE_170_0700) c. 280m to the south-east of the appeal site beyond the Wolfe Tone bridge which in turn transitions into the Inner Galway Bay North (EPA Code: IE_WE_170_0000) and to the Inner Galway Bay SPA (Site Code 004301) and the Galway Bay Complex SAC (Site Code 000268). However, it is considered that there is no realistic pathway from the appeal site to this river on account of the intervening distance involved and lack of hydrological connectivity – see Appendix 2 for further details.</p> <p>The development is generally removed from sensitive natural habitats and designated sites identified significance in the City Development Plan. The site's location within a Recorded Monument ACA, RPZ and ZAP and its inclusion of and proximity to a number of Protected Structures is dealt with as part of the Planning Assessment in the main body of the Inspector's Report.</p> <p>Whilst material concerns are raised regarding the impact of the proposal on the fabric of the Protected Structure (No. 21 Shop Street) and therefore the site's built heritage character, it is concluded that no significant impacts on the ACA or the site's subsurface archaeology are likely.</p> <p>Having regard to the above and the nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters,</p>	<p>Due to the nature and scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>The main operational impacts would be limited to residential amenity, and the wastewater and surface</p>

<p>magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>water emissions arising from the site. These elements would be subject to standard assessment/design. And, while I have outlined concerns about design, use and residential amenity, I am satisfied that these matters can be assessed without potential for significant environmental effects that would require EIA.</p> <p>There would be no significant cumulative impacts with other projects.</p> <p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; 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>
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<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required).

### **Appendix 2 – AA Screening Determination**

<b>Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)</b>
<p>I have considered the proposal comprising alterations to commercial premises to include reduced cafe/retail unit at ground level, change of use of existing café/ retail unit to office, and change of use to 1st, 2nd and 3rd floors to 2 no. residential units and all associated works at No's 21 Shop Street and 24 Middle Street in Galway in light of the requirements S177U of the Planning and Development Act 2000 as amended.</p> <p>The subject site is located:</p> <ul style="list-style-type: none"> <li>• Galway Bay Complex SAC (Site Code 000268) – c. 260m from the site.</li> <li>• Inner Galway Bay SPA (Site Code 004301) – c. 600km from the site.</li> <li>• The Lough Corrib SPA (Site Code 004042) – c. 3.5km from the site.</li> <li>• The Lough Corrib SAC (Site Code 000297) – c. 180m from the site.</li> </ul> <p>No nature conservation concerns were raised in the planning appeal.</p> <p>Having considered the nature, scale and location of the project in a town centre location, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.</p>

The reason for this conclusion is as follows:

- The nature and scale of development which has an existing connection to the public mains.
- The location of the development in existing properties located within a built-up and serviced urban area, its distance from European Sites and the urban nature of intervening habitats and the absence of ecological pathways to any European Site.
- Taking into account screening report/ determination by PA.

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

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

## Appendix 3

The subject site is located at 21 Shop Street & 24 Middle Street, Galway.

The River Corrib (EPA Code: IE\_WE\_30C020600, which has a Good ecological status under the WFD and is Not At Risk) is located c. 180m to the west of the appeal site and separated from same by intervening commercial and residential town centre development. The River Corrib outfalls to the Corrib Estuary (EPA Code: IE\_WE\_170\_0700, which has a Good ecological status under the WFD that is Under Review) c. 280m to the south-east of the appeal site beyond the Wolfe Tone bridge which in turn outfalls into the Inner Galway Bay North (EPA Code: IE\_WE\_170\_0000, which has a Good ecological status under the WFD and is Not At Risk) c. 2.5km to the south of the appeal site.

The site is underlain by the Maam-Clonbur groundwater body (EPA Code: IE\_WE\_G\_0006) which has a Good ecological status under the WFD that is Not At Risk.

The proposal comprises of alterations to commercial premises to include reduced cafe/retail unit at ground level, change of use of existing café/ retail unit to office, and change of use to 1st, 2nd and 3rd floors to 2 no. residential units and all associated works - see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission on this brownfield site at Shop Street and Middle Street in Galway city center and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and 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.

The reason for this conclusion is as follows:

- The relatively small scale nature and scale of the development.
- The location-distance from nearest water bodies, intervening land uses and lack of hydrological connections.

### **Conclusion**

I conclude that, on the basis of objective information, 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.