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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 19/19**

**Appeal** by RGDATA of Mentec House, Potter Road, Dun Laoghaire, County Dublin and by Brian Conway of 372 Tirellan Heights, Headford Road, Galway against the decision made on the 22<sup>nd</sup> day of March, 2019 by Galway City Council to grant subject to conditions a permission to Radical Properties Unlimited Company care of McCarthy Keville O'Sullivan Limited of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of Units 5 and 6 of the Wellpark Retail Park from bulky retail use to a discount foodstore supermarket with ancillary off-licence sales (Gross Floor Area: 1,753 square metre - ground floor: 1,548 square metres, mezzanine plant room: 205 square metres). (Net Retail Area: 1,069 square metres). The proposed development includes for all ancillary works to facilitate the proposed development including the following: proposed lift to basement level in adjacent Block A and proposed works at basement level including provision of car parking and trolley bays. This application includes for proposed tenant corporate signage panel areas to main façade of the amalgamated units, vinyl branded manifestation to glazed area and customer wayfinding signage to basement; summarised relative to

proposed elevations as follows: Unit 6 - corporate sign #1 size 2.5 x 2.5 = 6.25 square metres. Unit 5 - corporate sign #3 size 2.5 x 2.5 = 6.25 square metres. Unit 6 - panel sign #2 8.0 x 4.015 = 32.12 square metres. Unit 5 - panel sign #4 size 8.0 x 4.015 = 32.12 square metres. Unit 6 - sign #5 vinyl on glazing size 7.16 x 2.70 = 19.33 square metres. Lift access - wayfinding sign #6 size 4.0 x 1.1 metres = 4.4 square metres. Total area = 100.47 square metres. The proposed development also includes for all site development works, connection to existing services and all other works necessary to facilitate the proposed development, all at Units 5 and 6 Wellpark Retail Park, Wellpark Road, Galway.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to the zoning objective C1 (Enterprise, light industry and commercial) and to the specific policy in Section 11.2.6 in the Galway City Development Plan 2017-2023 according to which the planning authority will consider the full range of retail uses identified in the Retail Planning Guidelines within the Wellpark Retail Park and Leisure Park and, to the scale and intensity of the proposed use as a discount food store, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the vitality and viability of the primary retail function of the city centre of Galway as provided for in the retail hierarchy for the city and county, would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out in accordance with the plans and lodged with the application, as amended by the further particulars lodged with An Bord Pleanála on the 20<sup>th</sup> day of May 2019, except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed.

**Reason:** In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, revised floor plans showing the internal floor layout for the proposed development to include full details of the space designated as the net retail sales area in which the area allocated to off-license sales are distinguished.

**Reason:** In the interest of clarity.

3. Advertising sign numbers 2 and 3 shown on the elevation drawings shall be omitted in its entirety. Revised plan and elevation drawings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interests of visual amenity and orderly development.

4. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, a non-corporate way finding scheme for the basement car park, and all details of signage range and locations, specifications including design, materials and finishes, and lighting for the development.

**Reason:** In the interests of clarity, visual amenities and orderly development.

5. All deliveries/services vehicles shall arrive via the service lane entrance off Wellpark Road onto the one-way service lane and shall exit via the service lane exit onto the mini roundabout at the Dublin Road entrance. No deliveries, loading or unloading shall take place on the internal access road or customer carpark.

**Reason:** In the interests of clarity and orderly development, public safety and amenity.

6. Details of opening and closing times for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

**Reason:** In the interests of clarity and the residential amenities of the area.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. Details of shopfront signage, materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**