



An
Bord
Pleanála

Inspector's Report PL07.247236

Development	Construction of a mixed use commercial development.
Location	Summerfield, Claregalway, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	15/1555
Applicant(s)	J. Coyle
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Liam Madden
Observer(s)	None
Date of Site Inspection	23 rd of November 2016
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the western side of the N17 in the centre of the village of Claregalway. The site currently comprises a number of separate and unrelated buildings. At the road edge there is a petrol station canopy and pumps as well as a kiosk containing a small shop. To the rear is a two storey building the ground floor of which is comprised of a bookmakers and a garage, the first floor is comprised of residential accommodation. There is also an outdoor carwash facility.
- 1.1.2. There is a two storey thatched roof building which contains a public house and restaurant on the northern part of the site facing the N17. There is a single storey annex to this building which is occupied by a taxi office. The remainder of the site is made up of a hardstanding which is used as a parking area for the various buildings as well as storage and set down area. There is an area of scrub and trees in the northern corner of the site, however this does not appear as a landscaped area.
- 1.1.3. There is a two storey house and a single storey vernacular thatched cottage to the north of the site. The latter is a Protected Structure. There is an existing access to the two storey house to the north of the thatched roof public house. This house projects further forward of the p/h and has one first floor side window facing the site.
- 1.1.4. There is a mixture of single storey houses with accesses onto the N17 and a small residential estate on the opposite side of the road. The house opposite the entrance has a business operating at the rear. There are residential town houses and apartments to the south west of the site. There is a c.1.6m boundary wall along the southern boundary and a similar wall with planting along the western (rear) boundary.
- 1.1.5. The N17 in the centre of Claregalway is a very busy heavily trafficked route. The junction with the N18 is further to the south. There are traffic lights opposite the Church on the N17 to the north of this junction. There is a variety of modern buildings and commercial premises in Claregalway, particularly on the western side of the N17. It does not appear in form as a traditional village/town.

2.0 Proposed Development

2.1.1. The proposed development is to consist of the following:

- The construction of a new entrance junction from the N17 to serve the proposed development.
- The demolition of an existing two-storey public house, restaurant and taxi office and the construction of a two-storey building (referred to as Block no.4) to provide a replacement public house and restaurant, a bookmakers office, a taxi office and a commercial/retail unit at ground floor level. The first floor is to consist of 4no. commercial office units, desk amenity area and enclosures for plant associated with the block. This block is adjacent to a Protected Structure, Reg.Ref.no.109.
- The demolition of a kiosk associated with the existing filling station and the demolition of existing two storey structure containing a bookmakers and garage at ground floor level and residential accommodation at first floor level;
- The construction of a revised filling station, forecourt and a mixed use three storey building (referred to as Block no.1) consisting of a commercial shop and deli, with commercial office units at second floor level;
- Ancillary site works, landscaping, parking areas, civil works, forecourt civil works and services;
- The construction of a two storey building (referred to as Block no.3) consisting of a commercial retail/office at ground floor level and an apartment at first floor level;
- The construction of a single storey car-wash and valet building (referred to as Block no.2). The car-wash uses water harvesting.
- All associated open spaces, landscaping, parking areas, bin stores and all ancillary site services.

The planning application form provides that the area of the site is 0.58ha.

The g.f.s of the existing buildings to be demolished is 745.56sq.m.

The g.f.s of the proposed works is 2072.70sq.m.

It is proposed that the residential floor area of the two bedroom apartment is 76.6sq.m and commercial floor area is 1994.40sq.m.

103 car spaces are proposed.

Oliver Higgins Chartered Engineers have submitted the following with this application:

- Schedule of Drawings including Site Layout Plan, Floor Plans and Elevations and proposed infrastructural drawings;
- Project Summary Report – Oliver Higgins Chartered Engineers;
- Demolition & Waste Management Report;
- Soakway Design Calculations;
- BMS Water Recycling System;
- ‘Molok’ Bin Stores data;
- Architectural Impact Assessment prepared by Anne Carey, Archaeological and Historic Buildings Consultant;
- Flood Risk Assessment prepared by Hydro Environmental Ltd;
- Appropriate Assessment Screening Report prepared by Moore Group - Environmental Services;
- Stage 1/2 Road Safety Audit for the Mixed Use Development has been submitted by CST Group Chartered Consulting Engineers;
- Traffic & Transport Assessment also by CST Group, Chartered Consulting Engineers.

3.0 Planning Authority Decision

3.1.1. Decision

On the 15th of August 2016, Galway County Council granted planning permission for the proposed development subject to 18no. conditions. These conditions relate generally to roads/access, drainage, construction and operational works, design and advertising related issues.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and to the submissions made. It is of note that the Planner's Report provides: *The Claregalway LAP 2005-2011 has lapsed but the site was zoned for commercial purposes in the aforementioned document.*

They have regard to the Architectural Impact Assessment submitted. They note that the submissions made by An Taisce relative to the impact on the P.S and that there is no ACA in Claregalway. They note that there is no demolition management plan on file putting forward mitigation measures to safeguard the integrity of the protected setting.

They have regard to the Retail Impact Assessment that was carried out and consider that this shows that for the mostpart the existing uses will be rehoused as a result of the proposal.

They note Environmental concerns and provide that in the event of permission being granted strict timeframes should be imposed in relation to the operational use of any garage and vehicle wash facilities.

It is of note that the Council granted an extension of time until the 19th of August 2016. Unsolicited Further Information was submitted on the 5th of May 2016.

The Planner's Report concludes that given that the site is an existing brownfield site in the centre of the village of Claregalway and the core of the village, it is considered that the proposal as submitted on the 18th of December 2015 and the 5th of May 2016 should be granted subject to conditions.

3.3. Other Technical Reports

Roads and Transportation Section

They had a number of concerns relative to the access to the site and recommended that a Road Safety Audit be submitted. Also that the proposal might affect on traffic calming schemes being prepared for Claregalway. They recommended that F.I be sought and subsequently recommended conditions.

3.4. Prescribed Bodies

An Taisce

They ask that regard is had in the assessment to ensure that the proposed development does not impact adversely on the vernacular building or the streetscape of the Village.

Transport Infrastructure Ireland

They consider that the current proposal is at variance with official policy in relation to control of development on/affecting national roads as outlined in the DoECLG Spatial Planning and National RoadS Guidelines for Planning Authorities (2012). They consider that it would adversely affect the operation and safety of the national road and recommend refusal.

Údarás na Gaeltacht

They are concerned that as the site is in the Gaeltacht area that the developer give recognition to the Irish language, including having regard to signage.

3.5. Third Party Observations

Submissions, including from local residents and the subsequent Third Party appellant include the following:

- The proposed development accessed off the N17 would create and/or exacerbate a traffic hazard. This is contrary to National Policy and the aims and objectives of the CDP.
- It is on the attendant grounds of a P.S and it sits uncomfortably and incongruously alongside.
- Claregalway is an area subject to flooding.
- There is concern that the erection of a major building so close to the houses in Summerfield/Cahergowan, Claregalway would overlook their houses and cause loss of privacy and daylight for residents.

- At present the existing garage and carwash are a major cause of nuisance, noise, fumes, spray etc and the proposed new garage and carwash will be a continuation of this.
- This interference is not acceptable in a residential setting.

4.0 Planning History

- 4.1.1. The Planner's Report has regard to the planning history of the site and the surrounding area and a list is provided. Section 4.0 of the Retail Impact Assessment submitted also provides details of planning history relative to the subject site. This does not show anything recent of particular relevance to the subject proposal.
- 4.1.2. Unauthorised Development - two enforcement files are quoted relevant to unauthorised signage, commercial activity (car wash/valet service) on site and non-compliance of conditions relative to Rg.Ref.05/3269.

5.0 Policy Context

National Guidelines

5.1. Regional Planning Guidelines for the West Region 2010-2022

These provide a framework for long term strategic development in the West Region for the period 2010-2022 which is consistent with the National Spatial Strategy 2002-2020. A key aspect of these Guidelines is integrating sustainable economic development with the protection and enhancement of its environment. Section 3.7 of the Guidelines relates to Retail Strategy. Objectives EDP75 – EDP77 refer. These support the role and vitality and viability of the town centre and core retail areas.

5.2. Retail Planning Guidelines for Planning Authorities (April 2012)

The government's Retail Planning Guidelines (DECLG, 2012) require retail development to be appropriate to the scale and function of the settlement or part of the settlement in which it is located; be plan led; and promote city/town centre viability through a sequential approach to development, with the overall preferred location for new retail development within city and town centres.

The aim of the Guidelines is to ensure that the planning system continues to play a key role in supporting competitiveness in the retail sector for the benefit of the consumer in accordance with proper planning and sustainable development. In addition, the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport.

Section 4.11 refers to - Assessment of Specific Categories of Retail Development

[Note: The distinction between 'discount stores' and other convenience goods stores which was contained in the 2005 Retail Planning Guidelines will no longer apply].

5.3. Retail Planning Design Manual (April 2012)

The Retail Planning Guidelines 2012, and the Retail Design Manual, are intended to provide a planning framework for future development of the retail sector in a way which meets the needs of modern shopping formats while contributing to protecting, supporting and promoting the attractiveness and competitiveness of city and town centres as places to live, work, shop and visit.

This Retail Design Manual therefore sets out key principles of urban design which might form the framework for policies to promote quality design in development

5.4. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009

These seek to encourage high quality sustainable residential development, urban form and design. They are concerned to promote a sequential approach to development and to create an overall design framework with linkages to the existing developed area. They support Local Area Plans and the phasing of development, also having regard to the availability of infrastructure. Regard is had to the availability of community facilities, public transport and the quality of open space. Chapter 3 concerns the role of design and has regard to the context and quality of the development proposal. Chapter 4 provides for planning for sustainable neighbourhoods and has regard to public open space, traffic safety, drainage issues etc. Chapter 6 refers to development in small towns and villages and notes that these are a very important part of Ireland's identity and the distinctiveness and

economy of its regions. Chapter 7 concerns the home and its setting and discusses issues such as daylight, sunlight, privacy, open space and communal facilities.

Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood/ Site and Home reflecting the sequence of spatial scales and order of priorities that is followed in a good design process.

5.5. Sustainable Urban Housing Design Standards for New Apartments 2007

This provides guidelines on the design and layout of new apartments to ensure that they provide satisfactory living accommodation. This also includes guidance on daylight and sunlight, communal and private open space and recreational needs. The Appendix includes recommended minimum floor areas and standards.

5.6. Updated Apartment Guidelines 2015

The purpose of these guidelines includes to enhance the viability of new apartment construction, ensure consistency, as regards the minimum planning requirements and expand the provisions of the 2007 guidelines on qualitative aspects concerning areas such as amenities, provision of play facilities, cycle parking and related matters. The focus of this guidance is on the apartment building itself and on the individual units within it.

The guidelines have been prepared taking account of related provisions of the Planning and Development (Amendment) Act 2015, which amended Section 28 of the Act as regards Ministerial Guidelines distinguishing between 'specific planning policy requirements' which must be applied by planning authorities and other aspects that planning authorities must also have regard to, in the exercise of their functions.

5.7. Design Manual for Urban Roads and Streets 2013

The DMURS document must be taken into consideration in examining planning applications. Within the DMURS document the application of the principles to existing streets must require a flexible approach. The document calls for a safer

more attractive and vibrant street and the creation of a permeable network from a multi-layered process. The process should begin with a site analysis that identifies any constraints the proposal may have on the existing network, including points of access, major destinations and strategic connection (existing and proposed). The street hierarchy in terms of trips generated, access etc.

All new residential development must be designed in accordance with the requirements set out in DMURS. This Manual sets out design guidance and standards for constructing new, and reconfiguring existing, urban roads and streets in Ireland by incorporating good planning and design practice to create low speed environments in urban areas.

5.8. The Planning System and Flood Risk Management Guidelines 2009

These have been adopted and are the DOEHLG Guidelines for Planning Authorities (November 2009). The key principles are:

- Avoid the risk, where possible –precautionary approach.
- Substitute less vulnerable uses, where avoidance is not possible, and
- Mitigate and manage the risk, where avoidance and substitution are not possible.

Flood Zone A has the highest probability of flooding, Zone B has a moderate risk of flooding and Zone C (which covers all remaining areas) has a low risk of flooding.

The sequential approach should aim to avoid development in areas at risk of flooding through the development management process.

An appropriate flood risk assessment and justification for development in and management of areas subject to flooding and adherence to SUDS is recommended.

This document sets out how to assess and manage flood risk potential and includes guidance on the preparation of flood risk assessments by developers. This has regard Screening Assessment, Scoping Assessment and Appropriate Risk Assessment. It provides that only developments which are consistent with the overall policy and technical approaches of these Guidelines should be permitted.

5.9. EU Water Framework Directive

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

- (a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;
- (b) promotes sustainable water use based on a long-term protection of available water resources;
- (c) aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;
- (d) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and
- (e) contributes to mitigating the effects of floods and droughts'.

County and Local Plans

5.10. Galway County Development Plan 2015-2021

Section 2.6.1 has regard to the Settlement Hierarchy and to achieving the objectives of the Spatial Strategy and the Core Strategy. This Settlement Hierarchy recognises that there are different categories of settlements throughout Galway, all with a complementary role to play in the future prosperity of the County. It notes in Table 2.6 - Schedule of Status of LAPS for County Galway that the Claregalway (Baile Chláir) LAP 2005-2011 has a status of:- To be Commenced. As shown on the hierarchy it comes under 'other villages'.

It is noted that Table 6.6 provides the Indicative Infrastructure Capacity for Core Strategy Settlements. This includes that there is adequate water capacity, but no scheme for Claregalway, although it provides that contracts are to start for Claregalway and Milltown Sewerage Scheme – Network & Wastewater Treatment Plant DBO Network completed. This notes that approval to commence construction of treatment plant awaited from Irish Water.

Section 4.4 concerns Employment, Economy and Enterprise – Development and Promotion. Section 4.15 refers to the Retail Planning Guidelines and accompanying Design Manual. Section 4.16 supports retail development in core shopping areas and S.4.17 supports the improvement of town centres. S.4.18 supports Retail Diversity and S.4.19 Local Shops and Services. S.4.21 refers to Petrol Filling Stations. S.4.22 refers to Retail Signage.

Objective R1 seeks to support Retail Provision and Objective R2 promotes a Hierarchy of Retail functions. Objective R10 refers to Retailing associated with Petrol Stations.

Chapter 9 has regard to Architectural Heritage including Protected Structures. Section 9.4.3 refers to inclusion of a structure on the RPS – Objective AH2 refers and Appendix V (list of P.S). Section 9.4.5 seeks to preserve the importance of vernacular architecture – Objective AH6 refers. DM Standard 43 refers to works to P.S. and includes regard to adjoining development.

Section 13.5 provides Guidelines for Employment Use

DM Standard 9 provides that minimum standards must be satisfied relative to Industrial/Commercial/Enterprise/Retail (Urban Areas).

5.11. Claregalway LAP 2005-2011

The development strategy for Claregalway is based on the development of the commercial area around the N17/N18 junction and the provision of a focal point centred on the historic ruins to the north of the village.

As shown on the Land Use Zoning Map the site is within the Commercial Village Centre area. Section 2.2 relates. The Strategy seeks to provide the following:

It is the strategy of the County Council;

1. To ensure that all commercial activity shall be located within the zoned commercial area, primarily at village centre locations (identified on maps 2 & 3).
2. To encourage commercial development to occur at an appropriate density and design, whilst providing for sustainable pedestrian and vehicular movements. This will enable the commercial core to be both functional and aesthetically pleasing.
3. To encourage mixed use developments to include for residential accommodation above ground floor retails with traditional shop front design and materials used.
4. To ensure the provision of adequate off-street parking to include for underground parking where appropriate.
5. To focus new development towards the centre of the village in order to sustain the commercial base, increase business confidence, improve investment and employment levels and provide a better service for the local population.
6. To encourage urban renewal and the sustainable development of infill and brownfield sites.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been submitted by Liam Madden of Vitruvius Hibernicus. The grounds of appeal include the following:

- The proposed access off the N17 National Primary Route is contrary to the aims, objectives and policies of the approved development plan. Such an intensive concentration and increase would create/exacerbate a traffic hazard. The proposal would be contrary to the proper planning and sustainable development.
- The designer's themselves in their further submission dated 5th of May 2016 (par.1a) say that the access in their plans is proposed to be maintained '*....until a decision is made on a traffic calming scheme for Claregalway. Hence the proposed development will have no impact on the future scheme.*'

- It is queried how such a statement can be made if the decision is not made. He considers that this is an open submission that the proposal is premature and the scheme should be refused for this reason alone.
- He considers that the design scheme is well below par for the immediate backdrop of a Protected Structure. The whole point about a P.S is that there is a requirement to conserve it. The Scheme should be refused for this reason.
- He asks the Board to take a long hard look at this proposal from a distance and wonders if this is the type of development that should be built beside a P.S.
- His initial comments relying concerns about flooding are attached. He notes that a Flood Relief Scheme is necessary and has only been commenced by the OPW. He notes there is no confirmation of this and considers that the proposal is premature and should be refused.

6.2. Applicant Response

6.2.1. Oliver Higgins Chartered Engineers has responded on behalf of the First Party to the grounds of appeal. This includes the following:

- He queries the status and validity of the appeal and notes that the appellant does not reside in the Claregalway area.
- There have been numerous planning consultations with the Council relative to the roads issue. This was debated at great length in order to provide a solution that satisfied the current and future scenario, including taking the concerns of the T.I.I on board.
- Full cognisance of the adjoining P.S, was taken in the appraisal of the scheme. An Architectural Impact Assessment Report was prepared and subsequently the scale and massing of the structures proposed was reduced even further.
- Consultation was undertaken with Irish Water regarding connection to the existing public watermain and the public sewer.
- An AA Screening Report was undertaken at the outset.

- A Retail Impact Assessment has been undertaken.
- A Flood Risk Assessment has been undertaken, the historical flood context of Claregalway was assessed and a strategic determination was made in terms of FFLs, whilst taking cognisance of flood relief works that are currently ongoing.
- The proposed development consolidates existing business that are already on this site and rehouses them in new premises.

They provide a response to the Appellant's submission which includes the following:

- The current proposal provides two defined junctions as opposed to 60m of unregulated access, therefore the T.I.I will have to consider the two proposed junctions only.
- The proposal is not on the attendant grounds of the P.S, it adjoins the site of a P.S, reference 107 on the register. There is no P.S. on the site.
- The buildings proposed for demolition are modern structures with pastiche elements and have been unsustainably extended in the 1960's and 1970's which limit any future development on the site.
- The design scheme is appropriate for this location and has been substantially reduced from that originally proposed.
- It contains vernacular elements with contemporary additions to make the architectural scale and standard 'of its times'.
- They note that a Flood Risk Assessment has been carried out, and that in 2009 this site did not flood which is relevant as that was the worst flooding event in 50 years.
- Flood alleviation schemes were necessary along the River Clare irrespective of any development proposals in Claregalway.
- The FFLs are proposed at 250mm over the 1,000 year flood level, whilst accounting for 20% climate change.
- They provide that the project has been designed to take account of future development and is needed to revitalise the commercial core of Claregalway Village.

- They consider that the proposal has no direct negative impact on the appellant and they regard it as vexatious and consider that the Board should consider dismissing this appeal as per the allowances of S138 (1) of the Planning and Development Act 2000, amended.

6.3. Planning Authority Response

- 6.3.1. Galway County Council has not responded to the grounds of appeal.

7.0 Assessment

7.1. Principle of Development

- 7.1.1. Regard is had to the settlement hierarchy in the Galway CDP 2015-2021. Claregalway (Baile Chlair- located in the Gaeltacht area) is in the fifth tier of the hierarchy under *Other Villages* i.e: *These settlements have a population of less than 1500 persons and provide a more limited range of services to smaller hinterlands than the key towns. Service provision often includes a range of retail and educational services but limited financial, health and community services.* Therefore it is of note that the village is not categorised as a Key Town. Rather it is seen more as a dormitory village, split by the N17, and is a village proximate to Galway City, that has seen increased development in recent times and suffers from traffic congestion along the Claregalway/Galway route.
- 7.1.2. The subject site is centrally located and is currently in commercial usage. Therefore it is considered a brownfield site in the context of redevelopment. It is also located within the commercial core of the village of Claregalway as shown on the land use zoning map of the LAP 2005-2011. The proposed development seeks to consolidate the existing business on site and rehouse them to new premises. This includes the existing service station, public house and restaurant. The development takes the form of 4no. separate blocks, the most substantial being blocks 4 and 1. Two no. vehicular separate accesses are to be provided to serve the proposed development from the N17 and surface parking is to be provided.
- 7.1.3. The Third Party is concerned that the scale, design and layout of the proposed development is below par and represents a mish-mash of structures, particularly in

the context of the setting of the vernacular thatched house to the north which is a Protected Structure. Regard is had to heritage issues in this assessment below. They are concerned about implications for flooding which is a problem in Claregalway, and that the scheme is premature pending the Flood Relief Scheme and confirmation of same by the OPW. They also consider that the proposed development is premature and should be refused until a decision is made on a traffic calming scheme for Claregalway.

- 7.1.4. The First Party provides that the site has been appraised in great detail and the proposed development seeks to consolidate the existing uses that are already on the site, into new premises, whilst benefitting from additional commercial space. They provide that the current buildings on site are not fit for purpose and that the aim of this scheme is to create buildings that emphasis the central location whilst consolidating the existing established business into new premises that are fit for purpose and sustainable going forward. They consider that the nature of the appeal should be considered vexatious by the Board. However they have been advised that the appeal is considered valid and will proceed in the normal manner. This application is being considered 'de-novo' by the Board.
- 7.1.5. The Retail Planning Guidelines place a strong emphasis on a plan led approach, the use of high quality design, and utilising central locations where good access can be achieved. Objective EDT 8 of the GCDP 2015-2021 refers to – Design Standards and seeks to: *Encourage the provision of high quality designs (including variations in design and scale), layout, boundary treatment and arrival views of development within Industrial, Business, Enterprise and Commercial/Mixed Use lands, in order to positively contribute to the character and visual amenity of the area.*
- 7.1.6. Therefore regard is had in the assessment below to the issues raised, to the documentation submitted and to impact of the proposed new development on the character and visual amenity of the area, also relative to access and traffic, drainage and flooding issues and as to whether it is in the interests of the proper planning and sustainable development of the area.

7.2. Proposed Demolition

- 7.2.1. The site is an existing commercial site with hard paved area, it contains a number of separate buildings, which provide a Service Station, Bookmakers and Car Sales Buildings, Cab Office, Public House, Restaurant and residential accommodation. A drawing showing the existing site layout has been submitted. This shows the existing buildings proposed for demolition. The application form provides that the g.f.a of the buildings proposed for demolition is 745.56sq.m. These include the existing two/single storey Commercial Building, which includes the Public House, Restaurant and Cab Office, the frontage of which faces the N17. It is of note that this building is set back 9.5m from the road and has a parking area to the front and rear.
- 7.2.2. A Project Summary Report has been submitted with this application which provides that there are a number of defects in the existing buildings and that upgrading these buildings to current standards would be problematic. This notes that the pub/restaurant building is no longer fit for purpose and also has regard to fire safety issues including relative to the retro-fitted thatch structure. While it is considered that there is some visual merit to the detached two storey thatched p/h element in that while more modern it corresponds to the 1940's dwelling and vernacular thatched cottage to the north, I would generally have no objection to the demolition of this building and in particular the single storey element. It is however considered visually important that the replacement building would not detract from the character of the cottage or the streetscape.
- 7.2.3. It is proposed to demolish the existing mixed use commercial and residential building close to the southern boundary of the site. This is currently a two storey block with a garage area on ground floor level. The structure is a portal building, and as an infill structure is poorly constructed and in poor repair. It is of no particular architectural merit and I would have no objection to its demolition.
- 7.2.4. The drawings show that it is also proposed to demolish the existing Service Station Kiosk which is to the rear of the existing canopy towards the site frontage. This is a small single storey building it is considered to be too small and not fit for purpose. It is of no particular architectural merit and I would have no objection to its demolition.
- 7.2.5. Therefore while I would not object to the proposed demolition works, which encompass the existing buildings on site, it is considered important particularly in

view of the heritage issues discussed below that the proposed development while contemporary in form would not detract from the streetscape or the setting of the vernacular thatched cottage P.S outside of and to the north of the site. It is also considered that the proposed development should not detract from the amenities of the residential housing and mixed use commercial/residential building to the south of the site.

7.3. Heritage issues

- 7.3.1. There is a vernacular thatched cottage to the north of the site. This is a Protected Structure. The National Inventory of Architectural Heritage describes it as been of Regional importance dated 1780-1820. The Description provides that this is a: *Detached three-bay single-storey vernacular house, built c.1800, having single-storey corrugated-iron roof extension to rear. Pitched thatched roof with decoratively scolloped block ridge and rendered chimneystack to north-east gable. Roughcast rendered and painted walls. Square-headed openings with replacement timber casement windows throughout, having painted limestone sills. Central bay possibly former doorway, now window. Set back from road with garden to front behind rendered and painted boundary wall with decorative metal railings.*
- 7.3.2. Originally part of a row of thatched houses, the NIAH provides that this is the last surviving structure in Claregalway with a traditional thatched roof and it is given a Regional Rating. Sited on the N17, the main road linking Galway with the north and east, this house retains its original form, scale and character and enlivens the streetscape of Claregalway. The public house forms a more modern thatched building and this and associated buildings are proposed for demolition on the subject site to the south. There is a 1940's two storey dwelling inbetween this building and the cottage, so the site does not directly adjoin the cottage site. Currently the p/h along with the vernacular thatched cottage and the 1940's two storey building to north forms a small enclave of more traditional lower profile building in the centre of the more modern larger scale commercial/residential building forms in Claregalway.
- 7.3.3. The Claregalway LAP includes both the cottage and the 1940's house in RPS.109 in their Table 2.2 Record of Protected Structures i.e: *Thatched three-bay single-storey cottage with gable-end stack, c 1850, with adjoining two-bay two-storeyhouse, c. 1940. Road frontage.* The Strategy seeks to: *Ensure the protection and sympathetic*

enhancement of Protected Structures. Section 2.13 of the LAP also notes that currently there are only 3no. buildings on the RPS in Claregalway. The others are the nine arched bridge and the castle which are not proximate to the site. This is reiterated in the RPS in Appendix V of the GCDP 2015-2021, where the thatched cottage and the adjoining 1940's house which adjoins the subject site are both included in the listing an RPS no.109. The thatched cottage is described as being of - *Regional value because of the comparative rarity of good examples of thatched cottages. It is a point of interest in the landscape.*

7.3.4. An Architectural Impact Assessment has been submitted. This provides historical information relative to Claregalway. It notes that the thatched vernacular house can be seen on Historic OS Mapping. The Report provides that is is more likely that the building was constructed as part of a small development of terraced vernacular in the years following 1838. The terrace survived into the twentieth century. The two-bay, two-storey building adjoining the vernacular house to the south-west was built in c.1940. An Architectural Inventory is provided of the area, noting the buildings on either side of the main street, the busy N17 thoroughfare.

7.3.5. The Architectural Impact Assessment includes An External Description of the P.S having regard to views is given of the vernacular cottage. This notes that the survival of one of the original terrace of vernacular buildings is in itself remarkable, making it not only the sole surviving vernacular house but also one of the earliest surviving domestic dwellings in the village. It is noted that the principal view is the front façade facing the N17. The interior of the building was not accessed as part of the assessment. Photographs are included, Plate no.4 shows these buildings in context of the elongated view along the N17. Illustration no. 5 shows the front view of the proposed development in the context of the older lower profile buildings. It is provided that the vernacular house and the two storey building adjacent to it will not form any part of the proposed development and therefore will not be physically impacted by any proposed building programme. No changes are proposed to these buildings as part of the current application. It is of note that An Taisce advises that the visual impact of the subject proposal be assessed to ensure that it does not have an impact on the current streetscape of the village or on the vernacular house. The removal of familiar buildings i.e the existing p/h building, particularly in a small village must be carefully considered.

7.4. Design and Layout

- 7.4.1. The proposed development is for commercial and mixed commercial and residential and takes the form of a number of separate blocks. The application form provides that the g.f.a of the proposed buildings is 2072.70sq.m. on a site of 0.58ha. In this case the breakdown provides that the majority of the proposed development will be commercial floor area i.e 1994sq.m, with residential 76.6sq.m. They provide that the Density Standards have been derived from the requirements of DM Standard 9, 'Commercial Developments' of the Galway CDP 2015-2021.
- 7.4.2. The proposed Site Layout Plan shows that it is proposed to provide 4no. blocks on site with a general change to the existing parking and layout. The Architectural Impact Assessment refers to the proposed development in section 7.1. This notes that the design for the proposed development shows a ten-bay, four storey building (Block 3) fronting onto the public road to the south west of the vernacular house (illustration no.5 refers), with the other blocks of the development occurring within the site or along its south western boundary (Illustrations 5 -7). It is provided that four-bays at the north eastern side of the proposed four storey building at the nearest point to the vernacular house, will be of two storey height, with the building rising to four storeys for the remaining six bays.
- 7.4.3. The current setback of the buildings, is behind the line of the 1940's dwelling and the vernacular cottage and they consider this is restrictive and negatively impacts on the re-development potential. Therefore while the proposed building broadly follows the footprint of the public house along its length and it proposes to extend the front of the building further than the existing along the south eastern façade, which will front onto the public road. This will have an impact on the streetscape being further forward of these buildings and rising from two to four stories along its length. It will also impact on the first floor side window of the 1940's dwelling alongside, in that it will block evening light to the first floor side window. It is provided that while not necessarily a negative impact in so far as contemporary types of good design can enhance a space or streetscape, the frontage of the proposal is considerably greater in scale, mass and height and will none-the-less affect the setting of the buildings to the north.
- 7.4.4. Regard is had to the existing Contextual Elevation which shows the scale of development along the frontage of the site and the adjoining buildings on either side.

The mixed use residential/commercial building to the south of the site is three storey rather than 4 storey. It is considered that a proposed 4 storey structure would be too high in this location and would form an overly dominant vista in the streetscape, particularly taking account of the setting relative to the P.S to the north. It is noted that there are some other 3 to 4 storey buildings in Claregalway but that these are further set back into the site and are not adjacent to the road frontage or the setting of a P.S.

7.4.5. However it is noted that the proposed plans submitted relative to the design and layout and in particular Block no.4 have since been scaled down in the drawings submitted. It is of note that the proposed site layout and elevations as illustrated in Section 7.0 Impact Statement appear to relate to earlier proposals and are not those shown on the plans submitted with the application. The First Party response to the grounds of appeal notes that the applicant substantially reduced the scale of his initial proposals to present buildings that accord with the surrounding context and to sit within a realistic construction initiative. Therefore it is noted that a revised Architectural Design Statement has not been submitted relative to the current proposals.

7.4.6. The no. of blocks has been reduced to 4 and Block no.3 is now shown as Block no.4 relative to the road frontage. Block no. 1 is shown as a replacement building close to the southern boundary. Block nos. 2 and 3 close to the western (rear of the site), are additional to what is already there. Currently there is a wall and some boundary planting and parking area in this location. Therefore these will introduce a new two storey building and the car wash facility in this western part of the site. It is of note that the finished floor area for all the proposed buildings is shown as 11.5m, which is higher than the buildings to the north which are shown as 10.65m and 10.25m. Regard is had to the issue of flooding which is discussed further in this respect. The plans are noted relative to the blocks submitted below and this commences with the assessment of the larger more high profile frontage building.

Block no.4

7.4.7. This is the largest block and is now shown with a pitched roof and 10.2m in height. This is in comparison to the height of the original p/h building which is shown 7.97m in height, which is shown relative to the proposed front elevation plan. The existing

p/h building corresponds more to the height of the two storey building to the north which is 7.73m in height. The floor plans submitted show that the ground floor is to comprise 751.7sq.m. This is to contain the public house, restaurant, kitchen, stores, toilets and circulation area with a total floor area of 457sq.m. There will also be the relocated bookmakers office with a floor area of 138sq.m, taxi and other offices c.70.7sq.m, and a separate commercial unit no. 3 with a floor area of 86sq.m. The restaurant is to include a curved element at the corner proximate to the access to the development. An area of decking is proposed at first floor level. The proposed first floor is shown 582.6sq.m in floor area. This is shown with 3no. separate commercial units i.e unit no.5 - 122sq.m, unit no.6 - 150sq.m and unit no.7 - 89sq.m. in floor area and separate office area. This is to include a single storey area at the rear incorporating a large area of decking to include an area of plant enclosure. A lift is to be provided.

- 7.4.8. It is considered that this building will appear considerably larger than that which is being replaced in height, scale and bulk. The difference in floor area between the proposed and existing building is noted in the plans submitted. However the proposal will serve to amalgamate and extend existing uses on site, and additional offices and commercial units are proposed. Regard is had to the contextual elevations. I am concerned that the proposed design, scale and massing of this building in this prominent location will detract from the setting of the streetscape and adjacent P.S to the north. It may be that more variation in the design, height, scale and massing would provide more interest and appear less bland. It is also to the south of these buildings and will block some evening sunlight to the 1940's first floor gable window. The curved area of the ground floor restaurant will disrupt the building line and block the existing vista along the streetscape of the buildings to the north including the P.S. The location of the first floor rear deck and in particular the plant adjacent to this building may have some impact relative to noise and disturbance.
- 7.4.9. However, if the Board decides to permit it is considered that this building would need to be scaled back to improve its appearance in the streetscape and to make it less dominant in particular relative to the proximity to the lower profile buildings to the north. To improve this relationship and allow more separation between the buildings it is recommended that this block be set back at least 3m off the northern site boundary. To prevent overlooking of the 1940's dwelling to the north it is

recommended that the side windows facing in the northern elevation be obscure glazed. It is considered that the proposed deck and plant area will be too close to the 2 storey 1940's dwelling and there could be implications with noise, disturbance etc. It is recommended that if the Board decides to permit that it be conditioned that the plant area be relocated to where the smaller plant area is shown to the rear of unit no. 5. It is noted that there is a wall shown around the decking on the elevations. It is recommended that this be 1.8m in height to prevent overlooking.

- 7.4.10. It is noted that the curved restaurant element juts out at the frontage to turn the corner. While this provides a design feature it recommended that if the Board decide to permit that this be pulled back so that the frontage of the building be entirely in line with the lower profile buildings to the north i.e so that the building line and vista is maintained. In view of the recommended changes to the front elevation, it is also recommended that it be conditioned that the proposed projecting front deck area be omitted.

Block no.3

- 7.4.11. This is shown as a smaller two storey block c. 9m in height with as shown on the plans submitted, a total floor area of c.174sq.m proposed proximate to the western boundary of the site. It is to include a commercial unit shown on ground floor level of 67sq.m (the total ground floor area which includes a disabled wc and lobby area is shown 75.6sq.m) and a 2no. bedroomed apartment on first floor shown 69.7sq.m. which is below the minimum floor area of 73sq.m specified for a 2no. bed apartment in the aforementioned Apartment Guidelines 2015 and is therefore substandard. This includes a balcony area of private amenity open space of 7sq.m.the later which is within the minimum standards. There is a small area of open space shown to the rear between this and the smaller scale Block no. 2 which provides the carwash. It is not shown that this particularly relates to this stand alone unit and it is noted that it includes the 'Molak' bin stores area. To prevent overlooking to dwellings to the west no windows are proposed in the rear elevation.This block is to be located adjacent to site boundary planting and is to be partly in an area currently used for car parking. There is uncertainty about the relationship/design concept or need for this block relative to the rest of the units on site. I would recommend that if the Board decides to permit that it be conditioned that this block be omitted from the overall scheme.

Block no.2

7.4.12. The Site Layout Plan shows that this is to be located to the rear of the site adjacent to the western boundary. This is to provide the car wash facility and includes an open drive through carwash and reception waiting area. It is shown c. 3.6m in height. It is noted that the proposed location has been moved from the current location for the handwash car wash which is more centrally located on site. Details are included on the drawing showing the proposed car wash water recycling system and circulation route. It is queried as to whether this facility should not be closer to the service station, rather than in a separate location at the rear of the site.

Block no.1

7.4.13. This three storey block is shown in a similar location of the existing two storey garage/bookmakers building. It is shown as c.11.2m in height. The proposed commercial ground floor area is shown as 215.9sq.m. to contain retail, café deli unit relative to the service station. Section 4.11.9 of the Retail Planning Guidelines 2012 refers to Retailing and Motor Fuel Stations. This notes that: *Convenience shops are part of the normal ancillary services provided within motor fuel stations.* However it provides that the scale should be appropriate to the location and recommends that the floor space of the shop should not exceed 100sq.m and that the sequential approach to retail development apply. As this site is within the centre of the village it is considered that the proposed retail/café use is appropriate. It is noted that there is only a small kiosk there at present so this will be a considerable change.

7.4.14. The proposed first and second floors are each shown as 177.3sq.m with 2no. separate commercial/office units on each floor. It is noted that the floor plans provide an alternative layout showing the proposed first and second floors each containing 2no. 2 bed units i.e.4no. 2 bed units in total. Therefore the option could be either for offices or residential apartments.

7.4.15. DM Standard 3 of the GCDP 2015-2021 refers to Multiple Housing Schemes in Urban Areas and this provides: *The design of apartment type development should be guided by the DoEHLG document Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for Apartments (2007) (or as updated/superseded) in relation to all issues in relation to apartment development. In general apartments are only considered appropriate in town centres.* Regard must

now also be had to the updated Apartment Guidelines 2015 and these provide minimum unit sizes of 45sq.m (1 bed), 73sq.m (2 bed) and 90sq.m (3 bed). These Guidelines also provide: *The majority of apartments in all schemes must be larger than the national minimum standard (At least 50% of apartments must be minimum of 10% larger than the minimum floor areas specified under the guidelines)*. The proposed new apartments are within the minimum floor areas. However while it appears to be envisaged that the area of open space is to be provided by terraces/balconies on the western elevation, this needs to be clarified as no specific open space is shown allocated for the residential units option. Therefore as shown the proposed residential element would be substandard in that they do not include private amenity or communal open space. It is also noted that in view of carparking that no external open space is proposed.

- 7.4.16. As shown on the contextual elevation the proposed 3 storey block while set further back would be a similar height to the block outside the site to the south, which contains retail mixed use on ground floor and apartments above. It is noted that the proposed block would be sited c.17m to the north of the front elevation of the two storey town houses. As it is higher than the building to be demolished it will have more of an impact particularly on the outlook of dwelling unit facing. However, to prevent overlooking, it is proposed that the side elevation facing these units to the south of the site have two small windows at first and second floor levels and that these be obscure glazed.

Service Station Forecourt

- 7.4.17. A new and extended forecourt area is proposed and a new canopy area. It is provided that the existing underground civil works and tanks serving the fuel forecourt area are to remain in situ. The existing station kiosk is to be removed to become part of the forecourt area. Drawings and elevations have been submitted showing the new canopy area. The forecourt is shown substantially altered from being a 'double parallel' fuel island arrangement to being a 'triple perpendicular' fuel island arrangement, hence the forecourt is deeper from the N17. This is considered preferable relative to access and prevention of queuing as described in the Road Safety Audit. As this is a replacement service station forecourt area, I would not have an objection to the improvements to the design and layout proposed.

7.4.18. The Site Layout Plan also indicates a Totem pole and proposed forecourt signage. Details of this signage has not been submitted. Signage for the proposed development is to be provided at the corner of the forecourt area 'Summerfield Retail Park' to the south of the proposed relocated access to the site. As shown on the drawings this varies in height to 2.7m. It is recommended that if the Board decide to permit that details of all signage be submitted for the written agreement of the Council and that the location of the proposed 'Summerfield Retail Park' sign be agreed and that it be externally illuminated.

7.5. Impact on the Character and Amenities of the Area

7.5.1. The busy mainstreet (N17) route forms a very dominant thoroughfare in the village of Claregalway. The vernacular thatched cottage exists currently as a focal point in what is a varied and more contemporary streetscape. Along with the adjoining development to the south i.e the 1940's dwelling and the thatched two/single storey p/h building on the subject site, it is considered that currently this forms a small enclave of more traditional building forms in what is otherwise mainly higher profile, larger scale contemporary mixed use development. The area to the north is primarily more modern commercial, including the Claregalway hotel complex and associated frontage parking area. Adjoining, to the south there is also a three storey commercial/residential building, with further mixed use/commercial development fronting onto the N17 further south. There is also two storey town housing and associated parking area to the south of the site. This is accessed via an estate road off the N17. This eastern side of the road takes on a different form and includes a mixture of lower profile detached and semi-detached dwellings and green areas and appears relatively suburban in form. Apart from the R.C. Church at the south-eastern limits of the village, to the north east of junction with the N18, there are no other public buildings along this streetscape.

7.5.2. The Third Party concerns relative to the standard of the proposed design and layout relative to its setting and in particular the impact on the P.S to the north are noted. It is considered that the introduction of a contemporary design to this streetscape will have a visual impact, but ensuring it is designed and constructed to a good standard will mitigate any negative impressions. The First Party provides that the scheme aims to provide a 'new street' that is perpendicular to the N17 and the curved

breakfront of the restaurant premises is intended to offer a visual break and establish a focal point in this central area of the village. They provide that the project has been designed to take account of the future development, and also consider that if the forecourt is removed, there is scope to provide a building in lieu of same within the established building line.

- 7.5.3. I would agree that there is scope for a contemporary development on the subject site. However I am concerned that the proposed development as discussed in the Design and Layout Section above, is somewhat un-coordinated and will not enhance the character of the streetscape or provide a positive contribution to the character of the adjacent P.S including the vista of the vernacular thatched cottage and the adjoining 1940's dwelling. In this respect I am not convinced that this proposal will enhance the character of the area in accordance with DM Standard 43 of the GCDP 2015-2021 which refers to Protected Structures and this includes regard to adjoining development in part (c) - *Development on sites adjoining a protected structure will be required to demonstrate that It will have no adverse impacts on the character or integrity of the protected structure or views to and from it.*

7.6. Retail Impact Assessment

- 7.6.1. Claregalway is located approx. 10kms northeast of Galway City and hosts a growing number of local shops and a basic range of services are provided for those residing within the village and in its immediate hinterland. It displays the characteristics of a dormitory settlement; a high residential content and no significant employment base and a high level of commuting. However it is noted in the TIA that it is intended to bypass the town with the ongoing works to the M17/M18 Gort to Tuam Motorway by c.2018. As shown on the Claregalway LAP land use zoning map the site is within the commercial area in the centre of the village.
- 7.6.2. A Retail Report by McCarthy Kenville O'Sullivan has been included as part of the unsolicited F.I submitted. This Report assesses the sites suitability to accommodate the retail element of the proposed development in the context of the relevant planning policies, the Retail Planning Guidelines and the potential impact on existing retail within the village. The Report has regard to the Site Location and Context. It is noted that the village centre of Claregalway is split by the N17 and for the mostpart residential is located on the east side of the road while commercial and retail uses

are located on the western side of the road. The village centre has a variety of different retail and commercial uses and services. These include convenience retail outlets, a small shopping centre, restaurants and takeaways, a variety of comparison retail store, medical services as well as pubs and 2 hotels.

- 7.6.3. There is an existing mixed use commercial development on the subject site. This includes the Service Station, The Summerfield P/H, The Abbey Restaurant, To and Fro Cabs and Pyramid Bookmakers. It is proposed to demolish these structures in order to accommodate them in the new facilities. It is noted that the new mixed use facilities also include a number of proposed commercial units. It is provided that the proposed development represents a replacement and addition to the existing uses and is in response to the needs of the growing and ever changing local population.
- 7.6.4. Section 7.0 of this Report contains the Retail Assessment. It is provided that a wider range of uses would also lead to increased footfall, vibrancy and vitality to be occupied by beneficial and appropriate users. The proposed development includes a shop and two ground floor retail units which may possibly be occupied by convenience retailers. The retail floor space to be provided is summarised as follows: Block 1 (Proposed Shop and Deli) 70sq.m, Block 3 (67sq.m), Block 4 (86sq.m). It is provided that the total commercial floorspace that may potentially be provided, including the proposed shop is 223sq.m which they consider as a small addition to the overall retail floorspace provision in the village. Also that in the event that all three units were to be retail this represents a net increase of 210 sq.m on the existing provision. However they provide that there is no guarantee that all three units will be retail.
- 7.6.5. In this context the RIA considers that the provision of an additional 210sq.m of retail floor space is entirely justified and will not have a negative impact on existing retailing within the centre. In this respect the RPG 2012 notes in Section 1.1: *The planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport.* The RIA concludes that given the location of the proposed development, its nature, its extent and its proximity to other commercial developments it is considered to accord with the provisions of the RPG 2012.

7.6.6. Relative to potential uses regard is had to the floor plans submitted. It would appear that a number of commercial units are proposed. While it is realised that some of the uses proposed will be replacement uses, it is not clear what the specific use of the additional units will be. In this respect relative to mixed use some community type uses such as health care/community facilities etc would be beneficial. Also it is noted that some of the additional floor space is proposed as office use. If the Board decide to grant permission it is recommended that a condition be included that the use of each of the proposed commercial units be agreed in writing with the Planning Authority prior to the commencement of use.

7.7. Access issues – Regard to TIA

7.7.1. The main street through the village of Claregalway is part of the N17 National Primary Road connecting Galway City with the north and north east of the county. The controlled traffic light junction with the N18 is in the southern end of the town and there is traffic light controlled pedestrian crossing between other mixed use retail and the church. The main street is consequently a very busy and congested thoroughfare. The existing mixed use development including the service station is accessed off this road. Currently all access is from the N17, i.e there is an entrance to the petrol filling station and a separate main entrance to the other mixed development on the site. The existing layout allows for parking along the site frontage with the N17. The Planner's Report provides that the visibility splays required for this entrance within the speed limits for Claregalway are 70m in either direction. It is noted that the road already has traffic restrictions and controlled speeds (50km/h) within the village.

7.7.2. A Traffic and Transport Assessment for the proposed mixed use development has been submitted with the application. It is provided that this has been carried out in accordance with current guidelines, policy and standards. The purpose of this is to assess the potential impact of the proposed development on the existing local transport network and to ensure that the proposed site access and the existing junctions which fall within the scope of the study will have adequate capacity to carry the development traffic and the future growth in existing road traffic to the design year and beyond. An assessment of the accessibility of the site for cyclists, pedestrians and public transport users has also been made.

- 7.7.3. This Report provides details of the existing road network and traffic. Regard is had to the characteristics of Claregalway largely as a commuter town. It is noted that work is ongoing on the M17/M18 Gort to Tuam Motorway. This road will bypass Tuam, Ardrahan, Claregalway, Kilcolgan, Clarinbridge and Gort and the first traffic along the route is expected in 2018 and will assist in alleviating existing traffic congestion in the town.
- 7.7.4. It is noted that the existing layout of the development has no formalised junctions as it can be assessed along the entire front boundary of the site. The proposed development proposes two junctions, one to/from the Petrol Filling Station and Shop and the other to the remaining development. The TIA provides that this should ensure safer interaction between the development traffic entering and exiting the development with the mainline traffic. It is noted that the entire development will be serviced via the N17 Sligo/Galway National Primary Road. There are two access/egress priority controlled T-Junctions proposed. The junction to the west is expected to be mainly used by patrons of the service station. There is a link road from the service station from which the remaining development can be accessed from or vice-versa. It is provided that the eastern access/egress will service the remaining developments within the site Fig. 3.1 refers.
- 7.7.5. Service and delivery trips to and from the development will be via the N17. It is envisaged that the majority of trips will be during off-peak times, however a TRICS traffic generation exercise has been carried out for the commercial/retail element of the development and includes an element of delivery trips. The TIA notes an Auto Track swept analysis relative to the fuel delivery vehicle type accessing the service area from the entrance junction routed through the car parking area has been carried out. This notes that the swept of the vehicle does not cross any proposed parking spaces and can drive forwards out of the development.
- 7.7.6. Details are given of the existing traffic flows, and it is noted that traffic surveys were undertaken. These noted problems with existing queuing along the N17, particularly at peak hours. It is provided that from observations on site of the existing right turning traffic from the development, although the existing flows are lower than the flows of the proposed development, it is predicted that right turning traffic should get sufficient courtesy gaps in queuing traffic to exit easily without undue delay. The CST Group survey has been reproduced in full in Appendix A of the TIA. The count

was undertaken on Thursday 14th of August 2014 between the hours of 4.00pm and 6.15pm. The evening peak hour occurred between 4.30 to 5.30pm. The calculated evening peak hour turning count flows at the proposed development access/egress are detailed in the traffic flow diagrams presented in Appendix C as are projected traffic flows generated by the proposed development. The estimated total number of vehicular trips generated by the proposed development is shown in Table 4.1 and full details of the TRICS analysis are given in Appendix B.

7.7.7. It is provided that the construction stage does not warrant quantitative traffic analysis, however in order to minimise disruption due to construction wheel washing facilities will be installed at the site access during construction stage to reduce the amount of dirt and debris carried out onto the public roadway during the excavation operations etc. It is considered that such is essential to the management of the construction phase of the development.

7.7.8. Section 5.0 of the TIA provides a Junction Analysis and capacity analysis was carried out using the TRL software package PICADY. This assumes a worst case scenario where all traffic uses a single access/egress point with the N17 (while two are proposed). This provides 2017 as the Opening Year and 2032 as the Design Year, relative to weekday PM peak hour flows with the proposed development in place – Appendix C refers. The results of the PICADY analysis are shown for these years in the tables given and are reproduced in full in Appendix D of the Report. Table 5.2 provides a summary of PICADY Analysis for 2032 pm peak period for the development access with the future M17/M18 Motorway in place. Taking this into consideration the junction therefore is predicted to have adequate capacity to carry the predicted traffic flows during the peak periods beyond the design year 2032.

7.8. **Parking issues**

7.8.1. They provide that the Parking Standards have been derived from DM Standard 22 of the GCDP 2015-2021. A Table is included showing the requirement for the various uses and it is noted that as shown on the site layout plan originally submitted a total of 103no.(to include 4no. mobility impaired spaces) surface level spaces are to be provided on site, which is in accordance with standards. However this appears to include 17no. spaces (including 6no. bays at the fuel pumps) within the filling station forecourt area, which it is considered should be assessed separately relative to the

on site provision of parking and the other proposed mixed uses within the development. Table 3.3 of the TIA shows that in accordance with the current Galway CDP requirements 86 spaces are required for the proposed development. 5 no. spaces should be provided for disabled users in line with 'Building for Everyone' 2012. Therefore a total of 94no. car parking spaces need to be provided. It is therefore considered that adequate on site parking to cater for the proposed development can be provided.

7.9. Regard to Permeability and Other Users

7.9.1. Section 6.0 of the TIA has regard to Pedestrians, cyclists and public transport users. It is noted that the proposed development is located within Claregalway Village Centre. As the potential for pedestrian trips to and from the development is high it is important that it be properly integrated into the existing footpath network. The internal arrangement should incorporate design features as recommended in DMURS. It is considered that the development pedestrian facilities should link to the existing footpaths on the northern side of the N17 providing a continuous link within the village. Linkage to the eastern/southern side of the road is currently more restricted as the traffic controlled signals are some distance from the site at the southern end of the village. Also internal pedestrian point with associated dropped kerbs and tactile paving should be provided at the perceived pedestrian desire lines throughout the development. It is noted that there is no pedestrian access existing or proposed to/from the site to proximate residential development, however no desire has been expressed for such connections. Having regard to pedestrian/cyclist access Objective SI 5 of the GCDP – Priorities for Traffic Management Policies in Urban Areas seeks to: *Progress traffic management policies that facilitate pedestrians and cycle users in conjunction with vehicular movement in urban centres, towns and villages.*

7.9.2. There are currently no cycle facilities within the village. Indeed the congested nature of the N17 along this busy route would appear not to encourage/facilitate cyclists. The TIA provides that cyclists should be catered for within the development in the event of future facilities being provided in the village. It is provided that detailed recommendations in relation to the treatment of pedestrians and cyclists in and around the development are presented in the Road Safety Audit Report. Cycle

parking provision on site should be provided in accordance with development management standards – DM Standard 22 of the GCDP refers. It is recommended that if the Board decide to permit that it be conditioned that there be secure cycle provision on site on accordance with standards.

- 7.9.3. It is noted that the proposed development is approx.300m to the Bus Stop in Claregalway with existing pedestrian facilities provided on both sides of the road to the Bus Stop. Currently there are a minimum of two buses per hour throughout the day Monday to Saturday with reduced services on Sunday on the Claregalway/Galway route.

7.10. Road Safety Audit considerations

- 7.10.1. It is submitted that the Stage 1/2 Road Safety Audit (Nov 2015) has been carried out generally in accordance with the NRA's Design Manual for Roads and Bridges HD19 standard. This is concerned only with those issues within the design relating to road safety implications of the scheme. Appendix 1 of this Audit Report describes the documents examined by the audit team. All of the problems described in this report are considered by the audit team to require action in order to improve the safety of the scheme and minimise accident occurrence. This provides a number of recommendations relative to resolving problems found at specific locations including making the junction for the petrol filling station to the N17 an 'out-only' junction, recommendations for improvements to visibility from the proposed filling station south-western road onto the N17 and relative to the main development junction. Note is also had to provision for a right turn lane, safety on the footpath at the mouth of the main development junction and removal of yellow box marking. Regard is had to the proposed site layout plan submitted showing these junctions and markings, relative to the recommendations in the RSA.
- 7.10.2. A Road Safety Audit and associated documentation has been submitted with the application and an updated version with some revisions as unsolicited F.I was also submitted on the 5th of May 2016. This notes that a revised drawing was subsequently received by the audit team with the proposed right turn lane on the N17 omitted and alterations in response to some problems in the previous audit. The RSA notes that the current audit includes only problems that may have remained from the previous audit. All of the problems described in the audit are concerned to

require action to improve the safety of the scheme and minimise accident occurrence. They recommend that having regard to direct access from the Petrol Filling Station to the N17, that this is an 'out-only' junction. Having regard to visibility from the proposed accesses onto the National Road, they recommend that the design of these areas should be such to ensure junction visibility is maintained in the long term. Regard is had to the problem location plan in Appendix II of their Report. Appendix III provides an RSA Feedback Form. This notes that the south western access to the fuel forecourt is an existing access that is being utilised for the current development. This considers that the alterations proposed to the forecourt area mean that the chance of vehicles queuing over the public footpath has been substantially reduced from the current arrangement, as vehicles are encouraged to enter the new deeper forecourt.

7.10.3. In response the Council's Roads and Transportation Section recommended some minor alterations that are contained in Condition no.2 of the Council's permission. If the Board decide to permit it is recommended that a similar condition be included.

7.11. Regard to TIA revisions submitted as Further Information

7.11.1. Unsolicited F.I submitted on behalf of the applicants in response to concerns of the Council's Roads and Transportation Section notes the following revisions made:

- The right hand turning lane for westbound traffic on the N17 was removed from the N17 in order to maintain the existing scenario until such time that a decision is made on a traffic calming scheme for Claregalway. Hence, they provide that the proposed development will have no impact on the future scheme.
- The existing entrance to the forecourt on the south western side (Galway side) of the development has been defined with drop-kerbing and turning radii. The entrance has also been increased to be 8.0m wide. The forecourt has been adjusted to ensure that there is no cross-circulation of cars to obstruct the access/egress.
- CST Group have prepared a Traffic and Transport Assessment for the development. This assessment examines the removal of the turning lane and

confirms that the development will not negatively impact on the existing scenario.

- Revised drawings have been submitted incorporating these changes.
- CST Group have prepared a revised Stage 1 Road Safety Audit which it is provided ensures that the changes were fully assessed and correct.
- CST Group have prepared an AutoTrack Analysis for the proposed development to demonstrate the turning ability of articulated vehicles within the development proposal.

7.11.2. Some revisions to the Traffic and Transport Assessment have been submitted following the deletion of the proposed right-turn lane on the N17. The main difference in the revised junction analysis is that it now predicts that the junction would be operating at 54% rather than 75.8% (Table 5.1 refers) during the PM peak hour in the opening year 2017. Again using PICADY for the 2032 Design Year with the Motorway in place the analysis predicts that the junction would be operating at 52.5% rather than 71.2% (Table 5.2 refers) during the PM peak hour in 2032.

7.11.3. Having regard to the documentation including the Road Safety Audits submitted it is considered that the proposed accesses can be managed and that the congestion on the N17 will be reduced when Claregalway is by-passed by the M17/M18 Motorway is in place. The First Party response to the appeal provides that at the bequest of the Council no alterations are permitted to be made to the existing N17 road. The reasoning for this is to facilitate the T.I.I to complete a traffic calming scheme and in terms of their development, they now only have to take cognisance of two defined junctions as opposed to 60m of unregulated access. It is considered that this is an improvement on the existing situation. The implementation of the traffic calming scheme in Claregalway is awaited.

7.12. **Drainage issues**

7.12.1. The details submitted note that there is no surface water sewer in existence. They provide that disposal on site is the only viable option until the new surface water sewer is provided. They have designed the surface water system in accordance with BRE Digest 365, to discharge to soakways via petrol interceptors. Details of

Soakways are included. They note that the development can be connected to any future surface water sewer. Regard is had to the Drainage Layout submitted.

- 7.12.2. The car-wash facility utilises rainwater harvesting and water recycling. The fuel forecourt uses a full-retention interceptor. The forecourt is an impervious concrete surface under the proposed pavers. It is provided that in the event of permission being granted there will be strict timeframes imposed in relation to the operational use of any garage and vehicle wash facilities. The unsolicited F.I provides that the proposed carwash is identical to other carwashes approved by the Council, and provides reference nos. They note that the proposal is a recycling system based on a proprietary 'Recyclone' D20 Car-Wash' system. They provide that the car wash is enclosed within a covered canopy that has a Perspex screening along the side to contain any spray associated with the operations. The Recyclone unit can be installed below or above ground, and in this instance it has been decide to install it above ground.
- 7.12.3. As part of the unsolicited F.I submitted, a letter has been submitted from Irish Water dated 5th of April 2016 to confirm that a water and wastewater connection is available for the development. Having regard to potable water connection this confirms that connection is feasible to the existing watermain along the N17. A drawing is included showing the indicative location of connection to the existing Irish Water watermain network. Site specific wastewater comments provide that connection will be feasible to a 225mm diameter Irish Water foul sewer along the N17 road upon completion of the construction of the new Claregalway wastewater treatment plant and network capital project. A drawing is included showing the indicative location of connection to Irish Water Wastewater Network. It is provided that a connection to the network cannot be facilitated until such time as the Claregalway sewer network and new wastewater treatment plant have been fully commissioned. They note that the proposed mixed commercial use development may require a Section 161 Licence to be in place prior to connection being made. However the later is dealt with under separate legislation. Regard is had to Objective WW10 of the GCDP which provides: *where public waste water services are available new developments shall be required to connect to same.*

7.12.4. It is also confirmed that the applicant will have no difficulty with a restrictive planning condition requiring the provision of a grease trap from the commercial kitchen and the deil kitchen associated with the development. They provide that the grease trap will be akin to the principles of the 'Grease Graudian' type detailed in the brochure submitted.

7.13. Waste Management

7.13.1. It is provided that where demolition has been justified, a waste management strategy has been proposed. A Construction Phase Demolition & Waste Management Stratgey is included with the application. Details of Demolition and Site Clearance Stages are provided. It is noted that all recyclable waste will be segrated and stored on site until such time as a skip is required to remove each recyclable quantity.

7.13.2. Precautionary measures are included to minimise the impacts of dust, noise and flying debris and details are given of these. This included phased demolition, regard to working hours during construction works and the placement of a screen security fence with dust filter thereon the boundary with adjoining neighbours and roadside to catch dust particles. It is provided that it is not envisaged that there will be deep excavation on the site, however if this occurs they will comply with the current regulations.

7.13.3. It is considered that if the Board decide to permit that a condition regarding Demolition and Construction Management should be included.

7.14. Flood Risk Assessment

7.14.1. A Flood Risk Assessment has been submitted with the application. This notes that Claregalway in the past 20 years has seen notable flooding from the River Clare. The preliminary Flood Risks Maps for Claregalway have shown virtually the entire Village development area within a potential high Flood Risk Zone. Consequently a site specific Flood Risk Assessment has been carried out. A hydraulic model of the Clare River is used to assess the flood levels under the current situation which includes the construction of a new Flood Eye at Claregalway Bridge in 2012. The site and all of Claregalway is subject to fluvial flood risk and located within Flood Zone A (1% or higher annual recurrence interval). The FRA also shows that the site

is in flood Zone A and B from groundwater flooding. The source of flooding is from a potential overflow of the Lakeview turlough located access the N17 road to the east of the site.

- 7.14.2. Fig 3.0 has regard to the previous site layout (similar to that shown in Section 7.0 of the Architectural Impact Assessment) and not to the layout submitted. Section 3.0 of the FRA provides a general description relative to Flood Hydrology and details are given of various more recent flood events. Photo no.1 shows Flood events taken in Nov 2009 and Photo no.3 shows the site adjacent to but free of flooding. Flooding in the area is also caused by two separate turloughs and details are given of these. Fig. 4 shows the OPW pFRA mapping showing the 100year fluvial flood risk and Fig. 5 the OPW land benefitting Maps used as an indicator of potential flood risk. The mapping prepared for the Corrib drainage scheme shows that the lower portion of the subject site is within the benefitting lands.
- 7.14.3. Section 4.0 provides details of the flood flow estimation for the River Clare. This also has regard to flood frequency analysis. It is provided that a single site analysis of the Clargalway Gauge at Claregalway Bridge was carried out using the full available record of 14 years and details are given of this in tabular form. Recommended Design Flows for Claregalway. This seeks to establish the minimum finish floor level for the 100years +climatic change of 20%.
- 7.14.4. Section 5.0 seeks to predict the 100year and 1000year flood levels and refers to Hydraulic Modelling of River Reach. This notes that Hydro Environmental Ltd. Developed a hydraulic model for the River Clare as part of the River Clare Flood Allievation Scheme in 2010 and details are given of this. It is provided that this model was recently upgraded to include the effect of the recent OPW Flood Relief works comprising a new flood arch at Claregalway bridge and a replacement bridge at Cusheeny Bridge. Details are given of hydraulic modelling developed. Fig. 7 shows the model reach and survey sections of the River Clare and Abbert.
- 7.14.5. As part of the unsolicited F.I a letter is included from Hydro Environmental Ltd dated 5th of April 2016. It is provided that this letter is additional to the original report and confirms that the OPW have commenced the Flood Relief Scheme and that there is a three year completion date for the entire scheme. It is understood that flood

allievement schemes were necessary along the River Clare, irrespective of any development proposals on the subject site in Claregalway.

7.15. Regard to Justification Test

- 7.15.1. Section 6.0 provides the Flood Risk Assessment relative to the subject site and refers to the OPW and DoEHLG document 'The Planning Guidelines on the Planning System and Flood Risk Management.' The FRA provides that the existing topography of the site based on the adjacent Turlough levels places its primarily in Flood Zones A and B, whereas fluvial flooding from the River Clare places the site primarily in flood Zone C.
- 7.15.2. Section 6.3 provides a Justification Test. This provides that based on adjacent Turlough levels at Lakeview the subject site can be considered to be primarily in flood Zone B. This notes that the proposed development is on a brownfield site in the village core. It reduces the existing flood risk by replacing commercial and mixed use properties with floor levels of 10.59 to 10.93m O.D Malin with a minimum finish floor levels of 11.5m O.D Malin recommended. The proposed FFL provides a freeboard of over 500mm on the estimated 1000 year flood level. The First Party response to the appeal provides that the FFLs are proposed at 250mm over the 1000 year flood level, whilst accounting for 20% climate change.
- 7.15.3. It is provided that flood storage on the site is not strategic to flood risk and the proposed development of the site will not alter the flood magnitude at the site or in the adjacent flood lands as the potential flood route will be away from the site northwards along the N17 towards the River Clare. Given the prolonged nature of turlough/groundwater flooding the potential flood storage loss caused by development on the site will not impact on flood risk in the vicinity of the site or the wider area. It provides that the development of the site will not obstruct a potential flood pathway.
- 7.15.4. The FRA Report provides that justification of this site within Flood zone A and B is that the site is an existing development site within the immediate town centre with a number of existing FFLs having a high flood risk (Flood Risk A). The proposed development of the site will allow all FFLs to be set at 11.5m OD placing them at a low FR category (category C). They provide that the site is not strategic to flood storage

or to a flood pathway and consequently development of the site will not affect the flood risk to adjacent developments and infrastructure. Access to the proposed development from the Galway/Oranmore side is located in flood Zone C.

7.15.5. It is noted that a flood relief scheme is being carried out by the OPW/Galway Co. Council for Claregalway. This is to be implemented on a phased basis and details are given of alleviation measures including storm pipes to control flood levels and discharge upstream to the River. The Planner's Report has regard to the Flood Risk Assessment Report which acknowledges that the site is within zone A and B in terms of groundwater vulnerability (from the turlough). Access to the site from Galway/Oranmore side is located in flood Zone C. They note that there is a flood relief scheme for Claregalway being carried out in order to reduce peak flood levels in the turlough. These works are currently underway in Claregalway and given that the current site is a brownfield site with existing uses, this taken in conjunction with the FRA on file, they considered that this proposal is acceptable. In respect of the Flood Risk Assessment submitted and the findings of the Justification Test, and the flood relief scheme being undertaken, I would consider that flooding would not be a reason for refusal in the case.

7.16. **Appropriate Assessment issues**

7.16.1. An AA Screening Report has been submitted with this application. It is of note that Fig. 2 in the Report shows the site layout as submitted. An identification of Natura 2000 sites is given. The following Natura 2000 designations are located within a 15km radius of the development site:

- Galway Bay Complex SAC
- Lough Corrib SAC and SPA
- SPA Inner Galway Bay SPA
- SPA Cregganna Marsh SPA

Fig.4 shows the proximity of the site to Lough Corrib SAC, which is considered in details in the AA Screening Report. This is the closest Natura 2000 to the site. Table 1 provides the Qualifying Habitats. The Conservation Objective is: *To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or the*

Annex 11 species for which the SAC has been selected. Table 2 notes the Qualifying interests and Key environmental conditions supporting site integrity. It is provided that Lough Corrib is also a proposed NHA and as such is considered under Natura 2000. No other conservation areas have biological or hydrological connectivity with the project site.

- 7.16.2. Section 5.0 provides that the project is not directly connected with or necessary to the management of the European site considered in the assessment and potential impacts must be identified and considered. It is provided that there would be no directed impacts on the Lough Corrib Natura 2000 site. All of the proposed works are located within the existing developed site. The focus of the assessment is on indirect impacts or operational impacts. The worst case scenario would be if the proposal were to impact adversely on the water quality in the River Clare and ultimately Lough Corrib either alone or in combination with other projects or plans as a result of indirect pollution to groundwater. This in turn would impact on some of the qualifying habitats for which the SAC is designated such as Otters, White-clawed Crayfish and Salmon which require a high water quality. Any pollutant event or continuous input that could affect these species would be considered significant.
- 7.16.3. Therefore the Assessment considers source pathway vectors. It is provided that in this case contaminated surface water run-off during construction phase of the development can be ruled out by employing a Construction Environmental Management Plan, which will avoid discharge of sediment laden or contaminated water to surface water drainage on the site during the demolition and construction phases of the project. They provide that the CEMP will be reviewed by a suitably qualified ecologist and presented to the Council for review prior to undertaking works.
- 7.16.4. They provide that with regard to the operational phase of development significant effects can be ruled out as the scheme has been designed to discharge to the new wastewater treatment plant in Claregalway. Thus they provide that the water quality of the River Clare and ultimately Lough Corrib would not be affected if the proposed were to proceed. In this respect it is noted that the new Claregalway and Milltown Sewerage Scheme & Wastewater Treatment Plant has recently opened. As part of the unsolicited F.I it is confirmed that the Wastewater Treatment Plant for

Claregalway has been commissioned and it is provided that therefore any issues referenced in the AA Screening Report have now been addressed.

- 7.16.5. Regard is also had to the Flood Risk Assessment and it is noted that the site is not strategic to flood storage or to a flood pathway and consequently development on site will not affect the flood risk to adjacent developments or infrastructure. The proposed development of the site will allow all FFLs to be set at 11.5m OD placing them at a low Flood Risk category (category C). The access is also in this category. It is provided that there will be no in-combination effects with regard to the proposed scheme and the flood alleviation works.
- 7.16.6. They have regard to cumulative impacts or effects and note Plans requiring consideration include the Claregalway LAP 2005-2011. In this respect Objective EN1 seeks: *To require all relevant applications, which are located in close proximity to a watercourse, to submit measures to reduce and prevent pollution to the watercourse, both during construction and after completion for the scheme.* They provide that to this end, the proposed scheme is compliant with this objective.
- 7.16.7. They also provide that there will be no in combination effects with the River Clare (Claregalway) drainage scheme as the proposed works will not require additional or new drainage systems. They note that the proposed scheme has no connectivity with the M17/M18 Gort to Tuam Road scheme now under construction. Also it would not be impacted if Claregalway were to be bypassed. There are no immediate plans for this in the near future.
- 7.16.8. Table 3 outlines the potential impacts in the absence of mitigation of the Project. It is provided that the project is not directly connected with, or necessary to the conservation management of Lough Corrib SAC and any other Natura 2000 sites. The implementation of the project will not have a direct impact on the Lough Corrib Natura 2000 site. The project has been designed to include avoidance measures which will avoid impacts on surface water during the construction and operational phases and therefore avoid indirect impacts on the nearby European site. Therefore it is concluded that the project, alone or in combination with other projects, is not likely to have significant effects on Lough Corrib SAC and any Natura 2000 sites in view of their conservation objectives.

8.0 Recommendation

- 8.1.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the design and layout, scale, mass and height of the proposed development, its proximity to the vernacular thatched cottage (a Protected Structure), and the adjoining 1940's dwelling both listed on the Record of Protected Structures in Appendix V of the Galway County Development Plan 2015-2021, it is considered that the proposed development on the subject site, would be overbearing and visually obtrusive, would fail to integrate to a satisfactory level with its surrounding environs and would not enhance the character of the streetscape. As such it would lead to a substandard and un-coordinated form of development and would be contrary to Objective EDT8 which seeks to encourage the provision of high quality designs in order to positively contribute to the character and amenity of the area and would also be contrary to DM Standard 43(c) of the said plan in that it would have an adverse effect on views to a Protected Structure and would, therefore, seriously detract from the visual amenities of the area, would have a negative impact on the character of the area, and would establish a negative precedent for similar development. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

14th of December 2016