



An
Bord
Pleanála

Inspector's Report PL61.248068.

Development	Demolition of an existing house and construction of a mixed use development comprising of office space, a retail unit, a financial services unit and restaurant/bar.
Location	Clybaun Road, Knocknacarra & Western Distributor Road, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	15/134.
Applicant(s)	Highcross Development Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Highcross Development Limited.
Observer(s)	Eddie O' Donnell, Nuala Egan, Barbel Stockhaus, Hawthorn Residents Association,

Patricia Freeley,
Siobhan Falvey,
Paul and Olive Munrol,
Fergus and Cathy Doonaghue,
Maria Horkan,
Kieran Brennan and Angela Finnerty,
Caitriona O' Reilly.

Date of Site Inspection

16th of May 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site is located on the northern side of a main junction at the Western Distributor Road and Clyabun Road within the residential area of Knocknacarra, to the west of Galway City. The junction provides a gateway into Galway City from the west.
- 1.2. The site is 0.313 ha in size and contains a large two storey dwelling, currently vacant, with access off the Clybaun Road, directly opposite the Clybaun Hotel. The surrounding area is residential and there is a three storey apartment development to the east fronting onto the Western Distributor Road which connects to the Galway Retail Park and an estate of large two storey detached dwellings to the north off the Clybaun Road.

2.0 Proposed Development

- 2.1. The proposed development refers to a three storey mixed use development which may be summarised as follows:
 - Ground and first floor restaurant (523m²) and bar (266m²),
 - 1 no retail unit on ground floor (74m²),
 - 1 no credit union/ bank on ground floor (157m²) with associated office (102m²) first floor,
 - Associated landscaping, car parking and new access.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission based on the poor quality design of the building, insufficient provision of car parking spaces, sub-standard communal open-space and excessive size and scale of the proposal.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission following the submission of both further information and clarification of further information as summarised below:

Further Information:

- Consent for all site ownership,
- Redesign of building,
- Inclusion of a landscaped buffer and communal open space area,
- Design of boundary walls,
- Removal of windows on the first and second floor of the northern elevation and obscured along the eastern elevation,
- Details of noise and proposals to address odours and waste,
- Shadow projection drawings,
- Information on the bin storage, hours of operation, noise control plan, inclusion of an off-licence,
- Submission of a Traffic Impact Assessment,
- Consideration of the proposed upgrade of the adjacent roundabout,
- Submission on the proposed staff parking and the shortfall of 66 car parking spaces,
- Inclusion of pedestrian routes,
- Submission of a Stage 1 Road Safety Audit.

Clarification of Further Information:

- Revision of the proposed development to facilitate the full car parking requirement within the site,
- Inclusion of all surrounding properties in the shadow projection drawings,
- Simplification of the proposed design,
- Letter of consent from Galway County Council for land access.

3.2.2. Other Technical Reports

Drainage Section- No objection subject to conditions.

Environment Section- No objection subject to conditions.

Recreation and Amenity Section- Concern was raised in relation to the insufficient landscape proposal to provide planting and screening.

3.3. Prescribed Bodies

Irish Water- No objection to the proposal.

Health Service Executive- No objection to the proposal.

3.4. Third Party Observations

41 submissions were received in relation to the proposed development and the issues raised have been addressed in the grounds of appeal.

4.0 Planning History

15/338

Extension of duration (PL. 09/495) – Demolition of an existing dwelling and construction of a 75 bed nursing home (extended until 02/12/21).

236941 (Reg. Ref 09/495)

Permission granted for the demolition of an existing dwelling house and the construction of a 75 bed nursing home. Conditions of note related to the inclusion of glazing and ventilation for noise abatement, the inclusion of a detailed landscaping scheme, a road safety audit for right turning lane and a pedestrian link onto the Western Distributor Road.

08/47

Permission granted for the demolition of a dwelling and the construction of a mixed use development comprising of a mixed use development including 4 no. neighbourhood retail units (766m²), 4no, open plan office units (669m²) 13no. residential units (1047m²) and associated basements and surface parking (101 no spaces). Condition of note relates to the inclusion of an additional access point from

the Clybaun Road, the submission of a landscape plan and no subdivision of the retail units.

05/425

Permission granted for the demolition of dwelling and the construction of a five-storey over basement mixed use development.

91/194

Permission granted for the retention of a front porch, a gable end window and change of use of a granny flat to a beauty clinic.

97/193

Permission granted for a change of location of entrance and driveway and erection of new boundary and screen walls.

5.0 Policy Context

5.1. National Guidance

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

Urban Design Manual, A Best Practice (DOEHLG, 2009)

Urban Design Manual- A Best Practice Guide and the Design Manual for Urban Roads and Streets (2013)

5.2. Galway City Development Plan 2017-2023

The site is located within the residential zoning (R) where it is an objective to *“provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”*

- Permissible uses within the site include local shops, local offices, license premises, banks & other local services.

Section 2.4: Neighbourhood concept

- Knocknacarra is an indicative neighbourhood area of Galway.

- Sustainable high quality neighbourhoods can support residential areas.

Section 2.5: Neighbourhoods: Outer Suburbs

- The provision of community, commercial and local employment facilities shall be a scale appropriate to the local community. The range of facilities can include schools, childcare facilities etc.

Section 8.7: Urban Design

- Ensure high quality urban design in all developments.
- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the Galway Shopfront and Signage Design Guidelines (2012) and Design Guidelines: Canopies (2011)

Section 11.3.1: Outer Suburbs

- Non-residential development at appropriate locations which serve local needs shall not normally exceed 1:1, on distributor roads with good quality urban design a higher plot ratio may be considered.
- Where commercial development on residential lands are acceptable, 10% shall normally be provided as open space.

Section 11.10: Transportation

- Parking Requirement:
 - Supermarket and shop 1 space per 15m²
 - Office and Bank 1 per 25m²
 - Bar and Lounge 1 space per 8m²
 - Grouped and dual use will be considered where peak demands do not coincide and cognisance given for multipurpose trips.

Section 11.9: Commercial and Industry

- Provision given to open space and landscaping scheme particularly along the front building lines and front boundaries.
- Adequate space for storage and cycle parking etc.

- Maximum Plot Ratio is 1.25 for CI lands and 1.00 for I lands.
- Maximum site coverage is 0.80 for both CI and I land.

5.3. **Natural Heritage Designations**

The site is located 1.2km from the edge of Galway Bay SAC and Inner Galway Bay SPA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by the applicant and may be summarised as follows:

- The planning history on the site indicates a precedent for grant of permission for mixed use development and the proposed plot ratio (0.48:1) and site coverage (19.8%) is lower than previous grants (236941, 0.83: and 27%) and the use of basement parking is not, now, financially viable.
- The design of the proposal was amended during the application process from a traditional approach to a more contemporary design. The proposal complies with Section 8.7 of the development plan and has regard to the 4 storey Clybaun hotel.
- The failure to provide an additional 66 required spaces was justified in the submitted Mobility Management Plan and the basement parking is not financially viable. Section 11.10.1 of the plan allows for dual use parking where uses do not coincide and demonstrated in a Transport Mobility Plan.
- There is no residential provision and Section 11.3 of the plan requires 10% open space and the proposed development provides 17.5% as per clarification of information.
- With regard to the size scale and proposed mix site coverage and plot ratio are reiterated and Section 11.3.1 of the plan refers to non-residential development on residential zoned lands.

- All efforts have been made during the application process to address the concerns raised by the planning authority.

6.2. Planning Authority Response

None received.

6.3. Observations

11 Observations were received in relation to the grounds of appeal which may be summarised as follows:

- There is no intention to include a Credit Union at this location.
- There are already public bars, restaurants and offices in the vicinity and Knocknacarra has a village type centre already.
- The proposed road ridge heights are excessive.
- The refuse centre is too close to the existing residential areas.
- The scale, bulk and mass is not appropriate at this location and does not respect the local context and street pattern.
- There will be a conflict of traffic at an already busy roundabout.
- The proposed car parking is inadequate and the traffic will cause additional disruption in the area.
- There will be an excess of noise from the smoking area and not all sources of noise are covered in the noise report. Noise filtering vents does not account for opened windows.
- As the proposed smoking area has been removed there will be a congregation at the main doors outside.
- There will be a substantial increase in anti-social behaviour from the proposed development which will have a negative impact on the residential amenities.
- There are a number of schools in the vicinity and the children should be encouraged to walk and cycle without any traffic hazards.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Visual Amenity
- Access and Parking
- Residential Amenity
- Appropriate Assessment

Principle of development.

7.2. The proposed development includes a mixed of uses comprising of a retail unit, a financial services unit, offices and restaurant/ bar. The site is zoned as residential where it is an objective to provide associated support for existing residential development which allows local shops, local offices, licensed premises, banks and other local services as permissible uses. Section 11.3.1 of the development plan refers to plot ratio of 1:1 on mixed use developments on residential zoned lands, the plot ratio for the development is 0.67: 1 which complies with the development plan.

7.3. Therefore, based on the zoning and the development plan policies, I have no objection to the principle of the use site as a mixed use development, subject to complying with conditions and other planning requirements as addressed in the following sections.

Visual Amenity

7.4. The site is located directly adjacent to the Western Distributor Road, a main route into the City which provides a focal point for entry into Galway from the West. The Clybaun Hotel is opposite the site on the junction and to south of the junction there is a three storey apartment development. Three of the reasons for refusal relate to the impact of the proposed development on visual amenity, non-compliance with Policy 8.7 "Urban Design" of the development plan, insufficient communal open space and the fourth reason for refusal relates to the lack of basement parking which has led to a dominant building. The grounds of appeal refer to the design of surrounding buildings and Section 8.7 of the plan and consider the proposed development follows the pattern of development in the vicinity and addresses the requirement of the

development plan. In addition, they state the submitted landscaping proposal complies with the development plan standards in Section 11.3.1. I have addressed the issue of the design of the proposed development and the landscaping separately below.

- 7.5. Design of the building: The proposed building is three storeys in height, includes a combination of roof types, both flat and mon-pitch, a range of window sizes and style and a mix of elevational finishes, including natural stone, plaster, cladding and wood. Section 8.7 of the development plan reiterates the principles of good urban design as contained in the “*Urban Design Manual, A Best Practice*”, DOEHLG, including criteria to assess urban design and positive indicators of good design, where it is a requirement for the design of new development to improve and enhance the existing situation to make a positive contribution to the neighbourhood. I note a previous grant of permission on the site (Reg. Ref 08.47) included a high quality mixed use development with basement parking and communal open space, which I consider appropriate for the redevelopment of the site.
- 7.6. The subject site is located at an important location along the Western Distributor Road into Galway City and any development on this site has the potential to enhance the surrounding area. The proposed development includes numerous elevational, roof and window styles and four different types of external materials. I note the grounds of appeal refer to the adjoining Clybaun Hotel as a comparison and whilst I note it contains a more simplistic palate of materials, I do not consider the design of the proposed development needs replicated on adjoining sites. The urban design manual refers to the use of good quality materials in conjunction with design and I consider the range and type of design features and materials in the proposed development overcomplicates the elevation treatment and does not contribute to the surrounding environment.
- 7.7. The *Galway Shopfront and Signage Design Guidelines* provides guidance which discourage excessive use of signage, signage on upper floors and does not permit canopies unless they are necessary to protect goods on display or shelter external areas which have been granted a licence for outdoor seating. Whilst I am aware the final details of the signage have not been submitted I consider the inclusion of fifteen signs along the front elevation and four first floor canopy’s excessive on this corner site and not in compliance with the signage guidance.

- 7.8. Based on the prominent location of the site as an entry point into Galway, the incorporation of a plethora of design styles and external materials and the amount of signage, I do not consider the proposed development would make a positive contribution to the surrounding neighbourhood and therefore does not comply with Section 8.7 of the development plan or the *Urban Design Manual, A Best Practice*.
- 7.9. Open Space: The proposed development includes landscaped open space provision along the western corner of the site and four open space pockets at the rear of the proposed building, adjacent to the service areas. The third reason for refusal states that the proposed development does not meet the requirements for communal open space and as such would seriously injure the amenities of the property in the vicinity. The grounds of appeal state the proposed development provides 17.5% as per the submitted clarification of information.
- 7.10. Section 11.3.1 of the development plan states that where commercial development on residential lands are acceptable, 10% shall normally be provided as open space. I note the report of the planner refers to a need to comply with 15% of the site as communal open space, as per Table 11.4 for Industrial zoned lands (proposals for two or more industrial units). The open space calculation for the proposed development 198m², includes an area identified as a pathway which I do not consider can reasonably be used for open space, although in the absence of this path I calculate the open space at 350m², 11% of the site area, which complies with Section 11.3.1 development plan standards.

Access and Parking

- 7.11. The proposed development includes 66 parking spaces and based on the development plan standards the actual required spaces is 126, leaving a shortfall of 60 spaces. The second reason for refusal relates to the under provision of parking spaces on site which in turn would lead to illegal parking on adjacent roadways and housing estates creating a traffic hazard and endanger public safety. The reason for refusal is supported by a number of observations. The grounds of appeal argue that Section 11.10.1 of the development plan allows for dual use parking, where uses do not coincide, and this has been demonstrated in the Transport Mobility Plan.
- 7.12. Section 4.4 of the Transport Mobility Plan refers to the uses on the site and the multi trip generation to address the shortfall in the car parking spaces. Clarification of

information stated that only 50 spaces are required when internal trips within the site are taken into account. I note the submitted trip generation and parking accumulation for the mixed use development includes peak parking between 12.00 and 13.00, although this assumes only 2 space will be required for the retail (gross floor area 74m²) which I consider unreasonable. The mobility plan does not address car parking for staff members other than public transportation past the site. I note the uses on the site, restaurant, retail, financial institution and office are open during the day and can reasonably operate at the same time during the week, requiring full parking capacity. Therefore, based on information contained in the mobility management plan, I do not consider the argument for grouped or dual use can be considered as per Section 11.10 of the development plan.

- 7.13. I note the report of the transportation section has no object to the proposed development subject to co-operation should an upgrade for pedestrian and cyclist at the junction at the Western Distributor Road and the Clybaun Road be undertaken. This request was noted by the area planner and interpreted as a possibility that further parking spaces would be lost which would add to an inadequate parking situation. I consider an overspill of parking from the proposed development could have a negative impact on an upgrade of pedestrian and cyclist facilities around the site.
- 7.14. Therefore, based on the scale of the shortfall of parking spaces, the proposed upgrade of the junction and the location off a busy main route, I consider the proposed development would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.

Residential Amenity

- 7.15. The subject site is located to the south of a row of large two storey detached dwellings and to the west of a three storey terrace block of apartments. Many of the observations received from residents of nearby dwellings concerned with the mixed use on the site, with particular emphasis on the bar area. I have addressed the main impact of the proposed development on the residential amenity as noise and overshadowing separately below.

- 7.16. Nosie: A noise impact assessment has been submitted to state the design features of the proposed development assist the effective control of noise, the current noise levels from the Western Distributor Road, along the south, are 60 dB, LAeq during the day and 50 dB, LAeq at night and the smoking area is located along the southern side, away from the existing dwellings. In terms of the plant associated with the proposed development, it is considered that the materials used and proposals included comply with the World Health Organisation standards and will be in the order of 26- 35dB, LAeq. I consider the information in the noise report acceptable and I do not consider the noise levels from the proposal to have a significant negative impact on the residential amenity of the adjoining properties.
- 7.17. Overshadowing: The proposed three storey building is located on the southern corner of the site approx.30m from the closest dwellings to the north and is approx. 14m in height. Shadow projection drawings submitted indicate there will be no overshadowing from the proposed development on the adjoining properties in June, March or September and on the rear gardens in December. Based on the location of the building on the site I do not consider there would be a significant negative impact on any surrounding residential properties.

Appropriate Assessment

- 7.18. The site is located 1.2km from the Galway Bay SAC and the Inner Galway Bay SPA. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the prominent location of the site as an importance entrance site into Galway City, it is considered that the proposed development, consisting of a mix elevational, roof and window styles and four different types of external materials and excessive signage, would be incongruous in terms of its design and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan and the Urban Design Manual, A Best Practice, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, would result in on-street parking and tend to create serious traffic congestion on the adjoining roads, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.

Karen Hamilton
Planning Inspector

29th of May 2017