



An
Bord
Pleanála

Inspector's Report PL61.248974

Development Retention and completion of car park with 61no. spaces, boundary treatment, lighting and CCTV stands, 5no. pay and display machines, circulation, landscaping, paving and signage and associated site development works, for a temporary period of 5 years

Location Lenaboy Gardens, Salthill

Planning Authority Galway City Council

Planning Authority Reg. Ref. 17/46

Applicant(s) Rockport Limited

Type of Application Retention and permission for completion.

Planning Authority Decision REFUSE for 2no. reasons.

Type of Appeal First Party

Appellant(s) Rockport Limited

Observer(s) None

Date of Site Inspection 29/11/17

Inspector John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	9
6.3. Observations	9
7.0 Assessment	9
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	14

1.0 Site Location and Description

- 1.1. The appeal site is located in Salthill, in west Galway City, c.35m west of Salthill Road Upper (R864), the main street. The site is located adjacent to the commercial core, with a boundary to the commercial premises fronting onto the main street to the east (and to the south) and to the suburban housing (mostly detached dwellings, but with some semi-detached dwellings and apartments) to the west. The lands under the control of the applicant extend onto the main street.
- 1.2. The site has a stated area of 0.23ha. All buildings have been removed from within the redline site boundary and the majority of the site excavated to between 6.5m OD and 5.5m OD Malin, c.2.5m below the level of the adjacent carriageway (Lenaboy Gardens at 8.02m OD Malin). The site has direct, gated access onto Lenaboy Gardens near the northeast corner of the site, with the application site abutting the public thoroughfare with no pedestrian footpath.
- 1.3. The site also has indirect access onto Monksfield to the south, (through the southern corner of the site) via a mews type lane bounding the southwest / west of the site which is shared with other properties. The application site contains a row (35m in length) of perpendicular surface-parking fronting onto at level with Lenaboy Gardens, but to which access was prevented by temporary fencing on the day of inspection. There is existing surface car parking along the internal access road at the southeast side of the site, which was accessible and occupied at the time of inspection.
- 1.4. The majority (in excess of 1100m²/0.11ha) of the excavated area is set out in loose aggregate hardcore material, surrounded by retaining walls to the north, west and south, which (except for that facing onto Lenaboy Gardens) have been finished in smooth render and capped. On the day of inspection, that area was cordoned off from the access road and existing surface car parking on the eastern side by temporary fencing.
- 1.5. The site abuts a detached residential property to the northwest (fronting onto Lenaboy Gardens) and there are similar properties (with access either onto Lenaboy Gardens or Monksfield) to the west of the mews lane bounding that section of the site. To the east of the entrance to Lenaboy Gardens there is a terrace of dwellings. To the east, south of the said terrace, the site abuts a 3/4-storey building in use as a casino (Caesars Palace), which is within the control of the applicant; and a four-

storey mixed use building (3 floors residential above commercial and parking). To the southwest is a 4-storey over basement residential apartment block (Lochlurgain) with vehicular access onto the mews lane - note, there is no gate or other structure preventing access from this lane onto the application site. The northwest side of the Lochlurgain building overhangs the mews lane by c.2m, limiting the effective width of that access route for larger vehicles.

- 1.6. According to the applicant's survey details (drawing P010-03), the urban road / street to the north (Lenaboy Gardens) is c.5m in width at and to the east of the entrance, decreasing to c.4.6m to the west, before increasing to c.6.3m (west of the junction opposite the north of the site). The pedestrian facilities on this street and in the vicinity are very poor, being non-existent at the front of the site, and otherwise narrow, intermittent and disjointed and, at the time of inspection, obstructed by parked vehicles.

2.0 Proposed Development

- 2.1. It is proposed **RETAIN** and **COMPLETE** a car park for a temporary period of 5 years. The car park provides a total of 61no. car parking spaces including 2no. disable spaces, new boundary treatments, lighting and CCTV stands, 5no. pay and display machines, circulation space, landscaping, paving, signage and associated works.
- 2.2. Supporting documentation – Planning Report by McCarthy Kevill O'Sullivan Planning and Environmental Consultants, which sets out the site's planning and locational context in support of the development. Langan Consulting Engineers Memorandum, attached as appendix 1, provides a detailed development description, including with reference to the standards that are indicated as having been applied (*'Recommendations for Site Development Works for Housing Areas'* applied to lighting and CCTV; *Building Regulations TGD M* applied gates/access, pedestrian routing and disable car parking).
- 2.3. Amendments by **FURTHER INFORMATION** –
 - Parking spaces nos.59, 60 and 61, located at the northeast corner of the site, have been omitted and replaced by planter boxes (drawing P010-06).

- The car park signage (4no.) has been reduced in scale with large signage (2no.) at 2.6m (H) X 1.9m (W) X 0.08m (D) located within the enclosed section of the site; and small signage (2no.) at 2m (H) X 0.8m (W) X 0.07m (D) behind proposed parking to Lenaboy Gardens (drawing SD-01 and drawings P010-06, -08, and -09).
- Reduced from 5no. to 4no. pay and display pay-points (in two locations), omitting that adjacent the entrance to Lenaboy Gardens.
- The lamp standards (5no. new) have been reduced to 5m in height (from 6.73m originally).
- Confirmed that parking will be available 24/7.

3.0 Planning Authority Decision

3.1. Decision

REFUSE permission for 2no. reasons which may be summarised as follows:

1. The proposed development would be incompatible with the zoning objective, would adversely impact on residential amenities, depreciate the value of residential property and would *materially contravene* s.11.2 of the County Development Plan.
2. Design and scale of pay and display signage would be contrary to the standards and objectives set out in chapters 2, 8 and 11 of the plan and would contravene the policy of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Development Management Planning Report (18/04/17) recommended that further information be sought on 8no. points relating to: (1) exclusion of parking from 'R' zoned lands (with reference to section 11.2 of the CDP); (2) exclusion of spaces 59-61 in proximity to site entrance; (3) more appropriately sized signs; (4) exclude signs proposed on lands outside applicant's control; (5) omit pay and display unit abutting public road; (6) clarify CCTV details and coverage; (7) provide further details

of front boundary wall 1:100 and 1:50 scale; (8) clarify operating times. This is consistent with the further information request issued by the Planning Authority.

The second Development Management Planning Report (05/07/17) recommended that permission be refused for two reasons: (1) material contravention of the Galway City DP 2017-2023, s.11.2; (2) visual impact of pay and display signage, due to scale, contrary to standards and objectives to protect and enhance the urban design quality of the area. This is consistent with the decision of the Planning Authority to refuse permission.

3.2.2. Other Technical Reports

Drainage (23/03/17) – further information required relating to drainage details, including incorporating of SuDS measures.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

On site

Reg.ref.12/358: Extension of duration approved (19/02/13) of permission reg.ref.06/818 for demolition of Sacre Coeur Hotel and construction of a 3-storey office block over lower ground level car parking. **Expired 18/02/14.**

PL61.221319 / Reg.ref.06/818: Permission **GRANTED** by the Board (05/12/07), overturning the decision of the Planning Authority, for demolition of Sacre Coeur Hotel and construction of a 3-storey office block over lower ground level car parking.

Reg.ref.10/316: Permission **GRANTED** (10/08/11) for retention for pay and display parking for 13 cars including pay and display meter to front of former Sacre Couer Hotel. Condition no.2 required the omission of central parking space and provision

of planting or other feature. Condition no.5 stated '*Should planning permission ref.06/618 be implemented, the subject car parking shall cease.*'

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2017-2023

Land-use zoning – (CI) Enterprise, Light Industry and Commercial; (R) residential

Section 11.2 Land Use Zoning General

CI '*To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone*';

R '*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*'.

S.11.2.6 - Car parks (including heavy vehicle parks) are considered one of the uses which may contribute to the zoning objectives, dependant on the CI location and scale of development.

S.11.6 Advertising and Signage

S.11.7 Salthill – refers to plot ratio, to specific considerations regard a limited number of uses and car parking standards.

5.2. Natural Heritage Designations

Inner Galway Bay SPA Site no.004031 c.0.2km distant.

Galway Bay Complex SAC Site no.000268 c.0.1km distant.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of this First Party appeal may be summarised as follows:

- The temporary car park will provide a much-needed parking facility adjacent to the commercial core of Salthill and no negative impact on adjacent residential amenities.
- Precedent established under reg.ref.no.10/316.

Temporary nature of car park

- It is an interim use of a brownfield site pending the redevelopment of the site when viable.
- S.11.2 states '*Uses, which are temporary in nature, may be considered by the Council as uses that are compatible and contribute to the zoning objective*'. Given the commercial nature of the area and predominance of CI zoning on the site (84%), the retention and completion of the car park would not be detrimental to the residential amenities of the area.

Protection and enhancement of residential amenities

- It will greatly enhance the public realm, with proposed boundary ensuring good contextual reference.
- Represents a vast improvement to residential amenities of adjacent properties having regard to previous existence of derelict Sacre Coeur Hotel, subject of numerous incidents of anti-social behaviour and demolished after being destroyed by fire.
- Monitored by CCTV and managed by Caesars Palace Casino 24/7, anti-social behaviour would be effectively eliminated.
- Would help eliminate illegal parking in the area and enhance residential amenities of adjacent properties.
- Attractive planter boxes boundary treatment would help assimilate with the surroundings and have concern for the contextual reference and the urban design of the area will be greatly improved.
- The resident abutting the application site's western boundary submitted a letter of support.

Nature of facility

- Existing parking facilities are remote from the commercial core of Salthill (5 minutes' walk) and are not practical.

- It is proposed to operate 24 hours a day, 7 days per week to cater for patrons using the bingo halls/casinos.

Signage

- Revised layout, signage and lowered lighting stands were submitted as further information but only some of the submitted drawings appeared on the Council's website. Copies are attached as appendix no.2 of appeal.
- The applicants propose smaller signage, similar to those used through Galway city, in response to the Council's concern.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

7.0 **Assessment**

The main issues arising in this case may be assessed under the following headings:

7.1 Policy / principle

7.2 Visual impact

7.3 Road design and road safety

7.4 Drainage

7.5 Appropriate Assessment

7.1. Policy / principle

- 7.1.1. The majority of the site falls within land use zone 'CI' Enterprise, Light Industry and Commercial '*To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone*'. S.11.2.6 indicates that, with the CI zone, car parks (including heavy vehicle parks) are open for consideration. Under the Development Plan the proposed development (being a use only open for consideration) would be

viewed more favourably in this zone due to its temporary nature. However, the site is located within a boundary zone where the Plan requires the potential impact on the more environmentally sensitive land use zone (zone 'R' residential in this instance) to be taken into consideration.

- 7.1.2. Approximately 450m² of the site (c.14no. of the spaces are to be located in this area), and the majority of the surrounding / adjoining lands to the west and north, is zoned 'R' residential '*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*'. Car parks are not given as an example of use that is permitted in principle or open for consideration with the 'R' zone. Whilst the Development Plan is not unduly prescriptive in terms of uses that are permitted or open for consideration in any particular zone, given the nature of the proposed facility, I am satisfied that the use is *generally* not open for consideration on the 'R' lands under the Plan.
- 7.1.3. Reason no.1 of the Planning Authority's decision to refuse permission was on the basis that the proposed development (referring specifically to the 24 hour use, associated lighting and CCTV) would be incompatible with the zoning objective, would adversely impact on residential amenities of the area (referring specifically to nuisance and noise), depreciate the value of residential property and would ***materially contravene*** s.11.2 of the County Development Plan which requires that such development be considered only '*where the Council is satisfied that the use would not have undesirable consequences for prevailing uses*'. According to s.37(2)(b)(i) of the Planning and Development Act 2000, as amended, where permission has been refused on grounds of material contravention, the Board may only grant permission where one of four stated criteria ((i)-(iv)) are met. Having regard to the foregoing assessment, I consider the objectives of the plan concerning the development to be not clearly stated and that the Board is entitled to grant permission under criteria (ii) should it so wish to do so.
- 7.1.4. I do not consider the proposed development would have excessive noise or other nuisance impacts during the daytime / general business hours' period. At night-time, there would be greater potential for adverse impact on surrounding residential amenities, but this would depend on the level of usage at night-time, particularly late at night. Whether free on-street parking is readily available outside of business

hours would affect the level of usage. The applicant provides no information as to the anticipated level and pattern of usage. On balance, I would expect that the use levels would be low at night and the potential impacts on the amenities of surrounding properties consequently to be relatively low and not out of place given the proximity to the commercial core of Salthill. I also note that no objections or observations have been received from third parties. I therefore do not consider that refusal reason no.1 holds.

7.1.5. The applicant has submitted to the appeal that the existing car parks in Salthill are remote from the commercial core and are impractical being 5 minutes' walk from the site. A 5-minute walk from the parking area cannot be considered onerous. In addition to paid on-street parking along the full length of Salthill's main street, there is surface parking at the western end of the village, in addition to two others adjacent the coastal promenade. The village does not appear poorly served with car parking, in terms of number of spaces or convenience of location, although I do not know whether the management of the existing public parking facilities maximises their utility. Whilst I don't consider the use to be justified in terms of traffic management need, I do not consider the provision of a car park on this site for a temporary period (5 years) to be unacceptable in principle.

7.2. Visual impact

7.2.1. Refusal reason no.2 related to the proposed signage being contrary the standards and objectives of the Development Plan, but does not indicate the objectives or standards concerned. S.11.6 of the Plan requires that new signage or advertisements shall respect the scale, character and setting of the building to which it is attached and have regard to the extent of existing signage on the site.

7.2.2. The site is at a significantly lower level than the public road and the majority of the surrounding residences. According to drawings P010-06, -08 and -09, the two proposed large signs are to be contained within the lower section of the site and would not obtrude above the height of the retaining walls (see site sections on drawing P010-09 in particular). The two small signs located to the rear of parking proposed to Lenaboy Gardens would not be of a scale to be excessively visually obtrusive.

7.2.3. The applicant proposed a planting scheme comprising small box planters along boundaries and elsewhere within the site. I would question the viability of the planting scheme in terms of the level of maintenance that would be required over the period. The visual impact of such small scale planting will be very limited.

7.2.4. Whilst the car park would not be a positive visual impact on this area, given that it is for a temporary period and that most of the development is to be situated well below road level, the visual impact would generally be low.

7.3. Road design and road safety:

7.3.1. The Council's roads / transport section did not return a report on the proposed development. Pedestrian facilities along Lenaboy Gardens and in the vicinity are very poor, being non-existent along the front of the site, although there are narrow paths either side (I did not measure them). Elsewhere the facilities are narrow, intermittent and disjointed and, at the time of inspection, were subject of obstruction by parked vehicles and unloading HGVs.

7.3.2. Whilst some provision has been made for pedestrian access routes within the site, adequate detail of the design of these facilities are not provided. It is not clear whether the hatching shown in plan (P010-06) represents an actual physical design element or painted markings, or whether it merely indicates the routes pedestrians would be expected to follow. No public footpath is provided along the front of the site to connect with the existing footpath either side, necessitating pedestrians to walk along the carriageway or crossover to the far side of the road. This conflicts with the requirements of DMURS (the applicable road standard in this urban area within the 50kph speed limit zone) regarding provision of pedestrian facilities in such areas (centres and neighbourhoods). The Memorandum by Langan Consulting Engineers does not refer to the design standards that have been applied other than Building Regulations TGD Part M, which is a separate code relating to access to buildings.

7.3.3. There is no evidence that a Road Safety Audit was carried out to inform the proposed design. Given the nature of the proposed development, having regard to chapter 6 of TII's RSA guidance (NRA HD 19/07), a combined stage 1 / 2 RSA would have been appropriate to inform the proposed design and the decision of the Planning Authority. I have serious concerns about potential conflicts arising between vehicles and pedestrians, including along the public road at Lenaboy Gardens to the

front of the site where no pedestrian facilities are proposed, and internal to the site (e.g., inter alia, at the bottom of the access ramp where the pedestrian access route is disjointed, constrained and obstructed by existing structures).

- 7.3.4. The auto-track details (P010-07) shows a vehicular manoeuvre (egress west of the bottom of the access ramp) that would be impossible without the aid of a crane. In addition, the auto-track shows access to the site coming from lands directly opposite the site entrance as opposed to turning in from the public road and does not at all show egress manoeuvre from the site. The apparent obvious errors in the auto-track is concerning given the nature of the development, the restricted nature of the entrance and public road, and the physical constraints within the site.
- 7.3.5. Therefore, arising from the foregoing assessment, in view of the additional traffic movements on Lenaboy Gardens arising from the proposed development, I am satisfied that the proposed development would endanger traffic and pedestrian safety by reason of a traffic hazard. It is neither feasible nor appropriate to address this issue by way of condition. As the road design and traffic and pedestrian safety matters arising may be considered a **NEW ISSUE**, the Board may consider it appropriate to invite the parties to comment prior to making a decision on this case.

7.4. Drainage

- 7.4.1. No drainage details have been provided. The Council's Drainage Section requested such details (inclusive of SuDS measures) be provided as further information, but this was not included in the Planning Authority's further information request. Should the Board decide to grant permission, this issue should be addressed by condition requiring details to be agreed with the Planning Authority and implemented prior to first operation.

8.0 Recommendation

- 8.1. I recommend that permission be **REFUSED** for the reasons and considerations set out under section 9.0.

9.0 Reasons and Considerations

1. The traffic movements arising from the proposed car park development, by reason of the design and layout of the proposed development, including the inadequate provision for appropriately designed and located pedestrian facilities within the site and along the public road at Lenaboy Gardens to connect to existing pedestrian facilities, having regard to the *Design Manual for Urban Roads and Streets* (2013) as the applicable road design standard, would endanger public safety and, in particular pedestrian safety, by reason of traffic hazard or obstruction of road users or otherwise, and would constitute an unsustainable form of development.

John Desmond
Senior Planning Inspector

8th January 2018