



An
Bord
Pleanála

Inspector's Report ABP-301397-18

Development	Permission for minor alterations to side and rear elevations
Location	Unit 5, Racecourse Business Park, Parkmore, Ballybrit, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18/23
Applicant(s)	Cleverson Ltd.
Type of Application	Permission.
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Cleverson Ltd.
Observer(s)	None.
Date of Site Inspection	7 th July 2018.
Inspector	Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.1814 hectares comprises a two storey unit, no 5, located at the entrance to the Racecourse Business Park, Parkmore, Ballybrit which is approximately 5km to the northeast of Galway City Centre. Access to the site is via Racecourse road. The unit is occupied at ground floor level by a café (*Red Eye Coffee Roasters*) and industrial kitchen with ancillary office at mezzanine level and two industrial units (*Caterent Furniture and Carering Equipment Hire* and *Classic Air - Air Conditioning*) at ground floor level and the first floor level is currently vacant. The property fronts onto a hard-surfaced area providing parking for cars and an area occupied by a number of picnic benches used by the café. There are a mix of uses largely light industrial within the adjacent units whilst one of the units is used by a gymnastics club and a significant number of units are vacant. Within the wider area there is a predominance of commercial / office light industrial uses with the Parkmore West and Parkmore East Business and Technology Park to the north.

2.0 Proposed Development

2.1. The application as set out in the public notices seeks permission for minor alterations to side and rear elevations. The alterations include the provision of three glazed screens / windows to the north west and south-east side elevations and 8 no glazed screens/ windows to rear elevation (northeast) opaque to 1.8m off finished floor level height.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th March 2018, Galway City Council issued its decision to refuse permission for the following reason:

“The proposed alterations to side and rear elevations, namely the insertions of windows, on this building, are proposed without any justification that they may

complement the existing use and would if permitted, facilitate a use that may not have the benefit of planning permission, for purposes other than those allowed under PL Ref No 05/982 and 02/162 and uses allowed in areas zoned 'I' Enterprise / Industrial uses, and would be contrary to the provisions policies and zoning objectives of the Galway City Council Development Plan 2017-2023 and if permitted would unduly interfere, undermine, and be injurious to the primacy of zoned and designated area for such development and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes that the windows proposed largely mirror alterations proposed as part of previous application 17/307 for change of use to offices which was refused and concludes that the proposal would facilitate an unauthorised use of the area.

3.3. Third Party Observations

None

4.0 Planning History

17/307 Refusal of permission for change of use of first floor from light industrial. Processing, light manufacturing distribution showrooms and storage to 2 no commercial offices together with minor alterations to side and rear elevations including any ancillary site works and services.

14/234 Permission granted for change of use of existing ground floor to café restaurant and provision of new shopfront to the south elevation along with all associated site works and services.

07/21 Permission for amendments to previously approved permission (02/162 05/928) Amendments to sub-divided ground floor unit includes 1, Addition of mezzanine floor are to provide for ancillary office space, addition of window to front elevation.

05/928 Permission granted for retention of alterations to elevations of Unit 5 for use as warehousing light industrial processing, light manufacturing distribution showrooms and storage, previously granted under PL Ref 162/02

02/162 Permission granted for 12 buildings for use as warehousing, light industrial, processing. Light manufacturing, distribution showrooms and storage together with on site services and access roads.

Other units within Racecourse Business Park

06/1021 Permission granted 21/2/2007 for alterations to previously approved elevations (the proposed alterations are the provision of additional windows to the rear and side elevations at first floor level). Unit 1.

07/602 Permission granted 21/9/2007 for development consisting material alteration to front and rear elevations. Unit 9F

07/60 Permission granted 15/3/2007 for retention for alterations to elevations of warehouse previously granted 05/548. Units 9 and 10.

05/822 Permission granted 16/1/2006 for retention of alterations to elevations of unit no 4 for use as warehousing, light industrial. Processing. Light manufacturing, distribution showrooms and storage. Permission for subdivision of unit no 4 into 2 separate units (4A and 4b) previously granted 162/02.

05/547 Permission granted 19/9/5005 for alterations to elevations and minor changes to floor plans internally to units 6, 7 and 8 for use as warehousing, light industrial. Processing, light manufacturing, distribution showrooms and storage previously granted 162/02.

05/548 Permission granted 19/9/2005 for retention to relocate and amalgamate units 9 and 10 into a single unit, internal alterations to floor layout of include first and second floor office space, alterations to external elevations for use as warehousing, light industrial, processing, light manufacturing, distribution, showrooms and storage, previously granted under planning ref 162/02.

15/114 Permission granted to retain use of the ground floor as a gymnastics area/ Retention also for use of first floor as ancillary office and storage space to be used in conjunction with the gymnastics club.

5.0 Policy Context

5.1. Development Plan

The Galway City Development Plan 2017-2023 refers. The site is within an area zoned Industrial I - Enterprise Industrial and Related. The objective is to provide for Enterprise, industrial and related uses.

5.2. Natural Heritage Designations

Lough Corrib SAC

Inner Galway Bay SPA

Galway Bay Complex SAC

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by McCarthy Keville O Sullivan on behalf of the first party. Grounds of appeal are summarised as follows:

- Assumption regarding intention for unauthorised use is entirely unfounded.
- Applicant intends to use the space for storage purposes.
- Notably first floor of unit 5 has remained vacant since its original construction.
- Proposed development is intended to allow for natural ventilation and adequate daylight.
- Notable number of applications for elevational changes within the complex suggest design flaws which restrict function of units as usable spaces.
- Proposal does not give rise to any significant issues in relation to overall design or integration.

- Proposed elevational changes are similar to that of the adjacent warehouse units in the complex.

6.2. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

7.0 **Assessment**

- 7.1. The issues to be considered in the appeal relate to the principle of development and potential impact on the amenities of the area. Regarding the principle, there are a number of precedents for elevational alterations to units within the Racecourse Business Park. I consider that the proposal which is clearly intended to improve the usability of the first-floor space providing for natural light and ventilation is acceptable in principle. As regards the intended use, the grounds of appeal indicate that no material change of use is proposed and it is intended that the unit will be used for storage purposes. I am in agreement with the first party that the conclusion as derived in the planning officer's report regarding the potential facilitation of an unauthorised use is purely conjecture and entirely without foundation. On the question of visual impact or impact on the amenities of the area having regard to the industrial estate location and predominance of commercial / office / light industrial uses there are no particular sensitivities with regard to overlooking and the proposed windows do not give rise to negative impact on the amenities of the area.
- 7.2. On the issue of Appropriate assessment, having regard to the nature of the proposed development and the established connection to existing public services together with the separation from any designated European Site and having regard to the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site. It is therefore considered that a stage 2 appropriate assessment and submission of an NIS under the Habitats Directive (92/43/EEC) is not therefore required.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board overturn the decision of the planning authority and grant permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the Galway City Development Plan 2017-2023 it is considered that the proposal would comply with the zoning objective for the site and would be compatible with the visual amenities of the area. No appropriate assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

- 2 The external finishes shall be the same as those of the existing window openings to front elevation.

Reason: In the interest of visual amenity.

Bríd Maxwell
Planning Inspector

17th July 2018