



An
Bord
Pleanála

Inspector's Report ABP-301776-18

Development	Completion of a new first floor level over an existing department store unit
Location	Loughrea Shopping Centre, Cosmona, Loughrea
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18318
Applicant(s)	Greenstream ULC
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Loughrea Town Commercial Group.
Observer(s)	None.
Date of Site Inspection	11 th of September 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site is an empty unit located within an out-of-town shopping centre, north of Loughrea town centre, County Galway. The unit is located between two large retail units, Aldi and Supervalu, and is accessible from the first floor, where the grounds floor is in use as a carpark. The area around the site is predominately residential and there is a filling station to the north along the main Athenry Road.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- Completion of a new first floor level over an existing department store unit.
- Change of use of new first floor level to office use (1,128m²).
- Alterations to elevations at Unit 2 and internal works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 4 no. conditions of which the following condition is of note:

C 3- No advertising shall be erected on the structure prior to written agreement with the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the planning history, the submissions received, the land use zoning and current use on the site.

3.2.2. Other Technical Reports

None requested.

3.3. **Prescribed Bodies**

None requested.

3.4. **Third Party Observations**

An observation was submitted from the appellant, a town centre Management Company for Loughrea, and includes a list of the members, and the issues raised have been addressed and summarised in the grounds of appeal.

4.0 **Planning History**

Reg Ref No 17/889

Permission refused for the further subdivision of the original Unit 2 for the incorporation and extension of the Supervalu retail use at Unit 1 for department retail use of Unit 1 (e.g. bakery and retail) including associated shopfront, signage and ancillary storage at Loughrea Shopping Centre. The reason for refusal related to the nature and aggregate scale of the proposed retail use, the Retail Planning Guidelines in particular the floor space cap and the sequential approach required in the Loughrea Local Area Plan 2012, and it was considered the development would have a negative impact on the vitality and viability of the town centre.

Reg Ref No 09/42

Permission granted for internal and external alterations to Unit 1 (previously granted PI Ref 06/3638, 07/2139, 08/2505) including change of area, toilets, mezzanine floor for staff facilities, fire doors, etc.

Reg Ref No 08/2505

Permission granted for 5 no units including, 2 supermarkets, medical centre and department store. The subject site is Unit 2 (department store).

5.0 Policy Context

5.1. Galway County Development Plan 2015-2021

5.2. Loughrea Local Area Plan 2012-2018 (extended to 2022)

The site is located on lands zoned for Commercial and Mixed Use (C2) where it is an objective to promote the development of commercial and complementary mixed uses on suitable lands that can provide focal points for the provision of services to surrounding neighbourhoods/areas and opportunities for commercial enterprises, retail developments and employment creation and which do not undermine the vitality and viability of the town centre.

Office (<100m²) is open for consideration

Office (100m² – 1,000m²) is permitted.

Office (>1,000m²) open for consideration

5.3. Natural Heritage Designations

The site is located 400m from the edge of Lough Rea SPA and Lough Rea SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from a Loughrea commercial group and the issues raised have been summarised below:

- The use of office space at this location is not objected to, the principle issue is the use of the site as retail.
- The use of this out-of-centre retail use has a significant detrimental impact of the vitality and viability of Loughrea centre.
- In planning permission Reg Ref no 08/2505 Condition No 2 restricted the use of all units for the sale or bulky goods aside from Unit 1.

- The permitted use in this, Unit 2, is for bulky goods and the proposed lowering of the ceiling space for the office will make the use of this unit unsuitable.
- The use of retail in out-of-town centre is against the national guidance and the provisions of the Town Centre zoning.
- All of the elevation changes, windows, have not been included in the plans.

6.2. Applicant Response

An agent on behalf of the applicant has submitted a response to the grounds of appeal which may be summarised below:

- A site synopsis, planning history and planning policy context is provided in support of the proposed development. A detail of the enforcement action undertaken by the Council in relation to unauthorised works on site which are the subject of this application.
- The use of Unit 2 is a department store, as confirmed in writing with the planning authority, therefore the development description and subsequent public notices are correct.
- The proposed development only relates to the first floor, office use, and not the change to the ground floor level.
- The grounds of appeal state that the height of the ground floor in Unit 2 will not be able to accommodate bulky goods and this is again stated to be incorrect.
- The hypothetical situations of the possible future use of the site are not applicable to the application.
- The grounds of appeal have correctly noted the omission of windows on the carpark elevations on the public notices. This can be conditioned by the Board in the case of a favourable decision.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

7.0 Assessment

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

- Principle of Development
- Impact on the Surrounding Area
- Appropriate Assessment
- Environmental Impact Assessment

Principle of Development

7.2. The proposed development is for the retention and completion of an additional first floor within Unit 2 of Loughrea Shopping Centre for use as office space. The proposal also includes internal alterations, external signage, new windows along the front elevation, south and east, to accommodate the additional office use and retention of windows in the adjoining retail units. The site is located on lands zoned C2, commercial and mixed use, in the Loughrea Local Area Plan 2012- 2018 (extended until 2022) where it is an objective to provide a range of uses which may support the retail and service facilities within the town centre. Office use between 100m² and 1,000m² is permitted in principle whilst office use below and over these ranges are open for consideration. The floor area for the new first floor is 1,128m², the application refers to 879m² of lettable office space. I consider the size of the office and associated space is within a reasonable range to comply with the requirements of the land use zoning.

7.3. The grounds of appeal, submitted by the town centre management group, are not concerned with the office use, rather the issues raised relate to the use of Unit 2 as a department store, as per the development description and public notices. Planning permission was granted for the overall shopping centre under Reg Ref 08/2505 for 5 units where Unit No 2 (GFA 1,207m²) incorporated a department store (net retail 996m²). The planners report included Condition No 1 which permitted the use of Unit No 1 as a supermarket and required the remaining floor space proposed to be used

for the sale of bulky goods only and not for the sale of comparison goods although the Director of Service, pursuant to Section 31 (10) (b) of the Planning and Development Act 2000, amended the condition to permit the use of Unit 2 as per the proposal submitted, development store. Unit No 2 is currently empty. The proposed development does not include a change of use of the ground floor. I consider any non-compliance of conditions a matter for the Local Authority and I consider a condition linking any grant of permission to the parent permission, reasonable to ensure the proper planning on the site.

- 7.4. Therefore, having regard to the land use zoning and the planning history on the site, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Impact on the surrounding area.

- 7.5. Unit 2 is located within an existing shopping centre which includes a basement carpark and large surface carpark to the front of the site. The proposal for an additional c. 1,000m² office space would require c. 40 spaces as per Table 13.5 of the county development plan (c. 1 space per 25m² gfa). I note the use of the adjoining units as retail, which would be predominantly be in use in evenings and weekends and I consider the expanse of car parking already provided on site is sufficient to accommodate the office use which would primarily be utilised during normal office hours.
- 7.6. The proposal includes signage (5.4m²) at the entrance door and 4no. additional windows along the front elevation on the first floor and high level windows along the side elevation of Unit 1 and Unit 3. The grounds of appeal raised concerns in relation to the development description which includes reference to additional along the western (rear elevation) rather than the carpark elevation as submitted on plans, which the applicant acknowledged in their response. I do not consider the reference to these high level windows on the development description significantly alters the overall principle of the development and I do not consider they would have any impact on the surrounding area. I note the location of the windows for the proposed office use 100m from the rear of any dwellings and having regard to the scale and nature of the works and I do not consider the elevation changes will cause any overlooking or have a significant impact on the visual amenity of the surrounding

area and I consider a standard condition relating to the implementation of plans and particulars reasonable.

- 7.7. The proposed materials for the signage is not included, although having regard to the size and scale of the unit within an existing shopping centre and the location of the signage along the façade I do not consider there would be a significant negative visual impact and I consider a condition requiring the submission of final details to the planning authority reasonable.
- 7.8. Therefore, having regard to the nature and scale of the proposed development within an existing shopping centre and at a distance from any dwellings I do not consider the proposed development would have a significant negative impact on the visual or residential amenities of the surrounding area.

Appropriate Assessment

- 7.9. 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 and projects on the conservation objectives of any European site.

Environmental Impact Assessment

- 7.10. Having regard to the nature and scale of the proposal within an existing building there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the current retail use on the site, the existing planning history, the zoning objective CR, Commercial/ Mixed use, and policies and objectives in the Loughrea Local Area Plan 2012-2018 (extended until 2022) and the Galway County Development Plan 2015-2021, and to the established pattern and character of existing development in the vicinity it is considered that the proposed development would not adversely affect the vitality and viability of Loughrea Town centre, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under, planning register reference number 08/2505, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The final details and external finishes of the proposed materials of the proposed signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area

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

Reason: In the interest of public health

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

application of the terms of the Scheme.

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

Karen Hamilton
Planning Inspector

17th of September 2018