



An
Bord
Pleanála

Inspector's Report ABP-303001-18

Development	Retention of amalgamation of units 1B, 2B & 3B, and change of use of the amalgamated units to office use.
Location	Unit 1B, 2B & 3B Liosbaun Retail Centre, Tuam Road, Galway
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	18283
Applicant(s)	Caroline Melville.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Caroline Melville.
Observer(s)	None.
Date of Site Inspection	18 th January 2019.
Inspector	Sarah Lynch

Contents

1.0 Site Location and Description

- 1.1. The site with a stated area of 0.056 ha. is located within the Liosbaun Industrial Estate approximately 60 metres from the main entrance off the Tuam Road. There is an intervening block located between the site and the Tuam Road to the south. The subject site may be described as a corner site, which contains a two-storey commercial building with a brick finish.
- 1.2. There are car parking spaces located along the southern perimeter of the site and also in the basement level, which is accessible via a narrow laneway to the north and in turn under an archway of restricted height.
- 1.3. The subject unit is currently vacant. The remainder of the industrial unit outside of the subject site is subdivided into a number of different uses. The mix of uses within this block range from a similar style unit to the existing, immediately to the west. On this southern side of the block is also, a tattoo studio and office development. On the other northern side of this block are a print shop, barber shop, and curtain and blind shop. In the vicinity are a number of banks and similar style units to that proposed to be retained.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of amalgamation of units 1B, 2B & 3B.
 - Change of use of amalgamated units to office.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. The proposed car parking does not meet the requirements outlined in the Galway City Council Development Plan 2017-2023, as the car parking

provision for the development is inadequate and if permitted, would be likely to induce illegal and dangerous parking. The development if permitted would, accordingly, generate roadside parking which would create a traffic hazard and endanger public safety by reason of obstruction.

2. The size and scale of the office development proposed is excessive for this established commercial/industrial area, which is dominated by industrial units or small scale commercial units, the introduction of such a large office floor plate in this specific constrained location, where there is insufficient car parking, would not be in keeping with the established function and character of the area, and therefore would be contrary to the Galway City Council Development Plan 2017-2023 requirements for such CI zoned lands, which require such developments to be, 'offices of a type and of a scale and appropriate to the function and character of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report is consistent with the planning authority decision.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

A number of applications have been made in relation changes of use and signage, the following is of relevance:

PL61.242927 permission was **refused** for the retention of the amalgamation of units on ground/first floor and change of use from manufacturing, wholesale/retail to cash and carry. Reasons for refusal as follows:

1. Adequate car parking spaces have not been provided within the curtilage of the site. The development, would, therefore, tend to create serious traffic congestion and would endanger public safety by reason of traffic hazard.
2. The additional signage above first floor level by reason of its size, position and appearance is unduly obtrusive and would result in a proliferation of advertising on this building, the retention of which would seriously injure the visual amenities of the area. Furthermore, it is considered that the retention of the signage associated with the unauthorised use of the existing structure would be contrary to the proper planning and sustainable development of the area.

12/177 permission was **refused** for retention and completion of development consisting of retention of the amalgamation of units on the ground/first floor of this split level 2/3 storey commercial development. The development was considered contrary to CI zoning objective.

09/455 – permission **refused** for the retention of change of use from warehousing, wholesale with ancillary retail and manufacturing use to retail use. The proposal was considered contrary to CI zoning.

08/344 – permission **granted** for the subdivision of a previously approved manufacturing, wholesale/retail unit granted under 04/416 and for the change of use to a dry cleaners.

08/343 – permission **granted** for the subdivision of a previously approved manufacturing, wholesale/retail unit, granted under 94/416, and for the change of use to a bookmakers office.

5.0 Policy and Context

5.1. Development Plan

Galway City Development Plan 2017-2023

- Land Use Zoning Objective CI:

‘To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone’.

- Section 1.7 Employment Lands
- Section 11.2.6 Commercial/Industrial CI Land Use Zoning Objective
- Section 5.3 Sectoral Areas (General Industry & Office Development)
- Table 11.5 Parking requirements

5.2. Natural Heritage Designations

None

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- Decision refers to permission and not retention.
- Decision should have been spilt
- The use proposed is specialist office
- Car parking should be calculated based on specialist office which is 1 per 75sqm, thus requiring 15.2 spaces
- GCC made no enquiries as to what type of offices are proposed.
- Bus will make up 10% of trips
- Cycling – 7%
- Walking 3%

- Pattern of work hours will not conflict with peak hour traffic.
- Use is for administrative services for retailing multinational.
- The use is for a specialist business that is in close proximity to their existing facility.

6.2. Planning Authority Response

- None

7.0 Assessment

The proposed and existing development is located within an area subject to the CI zoning objective which seeks to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone. It is important to outline at the outset that general office is described within the Galway County Development Plan as those which provide for professional, financial and corporate types of business. The applicant is proposing the provision of specialist office which has more of a processing nature and is open for consideration under the CI zoning objective. I consider the relevant issues pertaining to this appeal are as follows:

- Suitability of amalgamation
- Whether proposed office can be identified as a Specialist Office
- Carparking & accessibility
- Appropriate Assessment
- Other Matters

Suitability of amalgamation

- 7.1. It is of note that reference is made within the second reason for refusal to the excessive size and scale of the office floor plate, it is stated within this reason for refusal that the introduction of such a large office floor plate in an established commercial/industrial area would not be appropriate to the established function and character of the area. I note within the planning history above that the existing development was originally permitted as a single unit and was subdivided into three units in 2008.

- 7.2. I have reviewed the Galway City Development Plan 2017-2023 in relation to the type and size of office that is permissible within lands subject to the CI zoning objective and note that there are no restrictions in relation to the overall floor area of an office within CI zoned lands.
- 7.3. Given that the office was originally permitted as a single unit and having regard to the specifics of the Galway Development Plan 2017-2023 in relation to offices sizes I consider the amalgamation of these units to be acceptable subject to appropriate levels of car parking being provided.

Whether proposed office can be identified as a Specialist Office

- 7.4. It is contended by the applicant that the proposed office is a Specialist Office. Section 5.3 of the Galway City Development Plan 2017-2023 refers to Specialist Offices as being usually of a significant scale of employment which can have an element of processing such as insurance or call centres. I note within the Development Plan that there is no quantitative floor area threshold specified over which an office can be determined as being a Specialised Office. It appears that the classification of a Specialist office is solely based on the functions to be carried out within the office and that it is has the ability to accommodate an employer of scale. It is important to note that Section 5.3 of the development plan acknowledges the presence of Specialist Offices at the Tuam Road and states that these types of offices can be deemed to be appropriate on commercial/industrial (CI) zones.
- 7.5. As mentioned above general office use which includes offices accessible to the public are to be located in areas subject to the CC zoning objective, it is important to outline at the outset that the proposed office will not provide this facility and is therefore not appropriate to CC zoned lands.
- 7.6. The proposed office will have an overall floor area of 1,140sqm, the applicant has specified within the grounds of appeal that the potential tenant is an online retailing company which is already located within the Liosbaun Industrial park. The proposed office will accommodate administrative and back office staff for this company. The applicant has not provided details relating to the number of staff to be employed, however, having regard to the total floor area of the office there is sufficient space to accommodate a significant number of staff if required.

- 7.7. Having regard to the information submitted within the grounds of appeal and the provisions of the Galway City Development Plan, in particular the CI zoning objective and Section 5.3 of the plan, I consider the proposed office to fall within the meaning of a Specialist Office as described within the development plan. This type of office is permissible under the CI zoning objective and as such I consider the development to be acceptable in this regard. If the Board are of a mind to grant permission I recommend that a condition is imposed which restricts the use of this building to Specialist Office.
- 7.8. It is important to point out at this juncture that there are a range of uses with the Liosbaun industrial park which include manufacturing, retail, coffee shops, banks, betting offices and office. It is clearly evident from the range of uses present that the CI zoning objective has not been strictly applied by the council which has resulted in high volumes of traffic and a high demand for car parking throughout the park.

Carparking & accessibility

- 7.9. It is contended by the applicant within the grounds of appeal that the carparking requirements applied to the application were incorrect. Car parking requirements applicable to general office development were applied when in fact the requirements for a specialist office should have been applied. Table 11.5 of the Galway City Development Plan 2017-2023 requires 1 space per 75sqm in relation to Specialist Offices. The proposed development will therefore be required to provide 15.2 car parking spaces. 24 car parking spaces are provided for at both ground floor and basement levels. No cycle parking has been indicated on the plans. The applicant will be required to provide adequate parking for cyclists within the boundary of the site. If the Board is of a mind to grant permission this may be required by way of condition.
- 7.10. As already mentioned no details have been provided in relation to staff numbers. However, given the floor area of the proposed office and the potential to accommodate a large number of staff it is considered prudent to request the submission of a travel plan in accordance with Section 11.10.2 of the Galway City Development Development Plan. If the Board are of a mind grant permission it may wish to impose a condition in this regard.

Appropriate Assessment

- 7.11. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site.

Other matters

- 7.12. It is contended within the grounds of appeal that the reasons for refusal failed to distinguish between development for retention and proposed development. This is not a matter for the Board to adjudicate and is not relevant to the assessment of this appeal.

8.0 Recommendation

- 8.1. I recommend that permission is granted for the retention of the amalgamation of Units 1B, 2B & 3B and the change of use to specialist office.

9.0 Reasons and Considerations

Having regard to the provisions of the Galway City Development Plan 2017-2023, in particular, compliance with the CI zoning objective, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or create haphazard car parking within the area. 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, retained 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed office shall only be used for Specialist Offices as defined within the Galway Development Plan 2017-2023 and shall not be used for any other use including office use as defined within Schedule 2 Part 4 Class 2 and Class 3 of the Planning and Development Regulations 2001 (as amended).

Reason: In the interest of proper planning and sustainable development.

3. The developer shall provide adequate provision of cycle parking within the site. Details of the number, layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation

4. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the office. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the

building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

Sarah Lynch
Planning Inspector

22nd February 2019