



An
Bord
Pleanála

Inspector's Report ABP303173-18

Development	Construction of a Licensed Discount Foodstore supermarket with ancillary Off-Licence sales and separate café building together with 86 car parking spaces and ancillary works.
Location	Junction of Bothár Stoifáin and Western Distributor Road, Knocknacarra, Galway City.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	18/224.
Applicant	Lidl Ireland GMBH.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	RGDATA.
Observers	None.
Date of Site Inspection	March 20 th 2019
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	5
4.1. Decision	5
4.2. Planning Authority Assessment.....	Error! Bookmark not defined.
5.0 Initial Assessment by Planning Authority	7
6.0 Planning History.....	9
7.0 Grounds of Appeal.....	10
8.0 Appeal Responses.....	13
9.0 Development Plan Provision.....	16
10.0 Planning Assessment.....	18
11.0 Conclusions and Recommendation.....	26
12.0 EIAR Screening Determination	26
13.0 Appropriate Assessment	26
14.0 Decision	26
15.0 Reasons and Considerations	26
16.0 Conditions	27

1.0 Introduction

ABP303173-18 relates to a third party appeal against the decision of Galway City Council to grant planning permission for the construction of a supermarket with ancillary off-licence sales in the western environs of Galway City at the junction of Bothár Stoifáin and the Western Distributor Road. The grounds of appeal argue that there is no need for an additional convenience foodstore at this location and that the proposal is contrary to the zoning provisions and many policy statements contained in the Galway City development plan. The grounds of appeal also criticise the proposed development in terms of its inefficient use of land and the overall impact the proposed building will have on the visual amenities of the area.

2.0 Site Location and Description

- 2.1. The appeal site is located in the western environs of Galway City approximately 3 kilometres to the west of the city centre. The site is located between the settlements of Barna and Knocknacarra a suburban area on the western periphery of the city centre which has experienced significant development in recent years. The subject site, and lands surrounding the subject site have been earmarked for large suburban district centre.
- 2.2. The lands in question are located on the north-eastern side of a roundabout at the junction of Bothár Stoifáin and the Western Distributor Road which links up with Bishop O'Donnell Road and the Seamus Quirke Road to the east. The western distributor road runs along the southern boundary of the site while Bothár Stoifáin runs along the western side of the site.
- 2.3. The site itself has a stated area of 0.617 hectares. It is irregularly shaped and is currently undeveloped. It currently accommodates mature scrubland together with more formal planting along its southern boundary. Mounds of inert waste also appear to be dumped on site. The subject site is bounded on the eastern side by a large surface car park associated with an Aldi store which has recently been developed on an adjoining site. A local distributor road runs along the northern boundary of the site. This road provides access to the car parking area associated with the Aldi

supermarket and also provides access to various light industrial units, leisure facilities associated with an industrial estate which is located on lands to the north. Further north the main district centre known as Gateway Park is located, with a large Dunnes Stores, Garden/DIY store and office development. This area is still under development. Bothár Stoifáin runs along the western boundary of the site and provides access to more recently constructed suburban residential estates on lands to the west.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a new Lidl store on the subject site. The supermarket building is to be located in the southern portion of the site in close proximity to the western distributor road along the southern boundary. The building is to occupy a footprint of 2,200 square metres. The main part of the building is to accommodate the sales area while staff areas, the bakery preparation area, freezer areas and storage areas are to be located in the northern and western part of the building. A small mezzanine floor is also located above the ancillary sales area. A designated loading bay and service area is located to the rear of the building near the eastern boundary of the site. Vehicular access to the site is provided off the internal distributor road which runs along the northern boundary of the site leading to the central district area and surrounding units. It also serves the contiguous Aldi store and industrial estate to the north. A total of 86 surface car parking spaces (including two disabled spaces) are to be located within the site to the north of the building.
- 3.2. It is also proposed to provide a separate café building at the north-western corner of the site with a gross floor area of just less than 115 square metres. A number of pedestrian accesses are also proposed to be provided along the site boundary. A pedestrian access is proposed at the existing pedestrian crossing to the north of the roundabout at Bothár Stoifáin. This pedestrian access provides access to the car parking area and main entrance to the building on the north-western elevation. Three separate pedestrian accesses are proposed in the vicinity of the café area at the north-western boundary of the site. Formal landscaping is proposed around the perimeter of the site.

- 3.3. The Lidl store comprises of a flat roof building rising to a height of 6 metres. The external elevations comprise of a mixture of extensive glazing, particularly on the west elevation facing onto Bothár Stoifáin. The remainder of the building comprises of a mixture of glazing, kingspan recessed metallic silver cladding, particularly at roof level, and zinc seam cladding interspersed with plaster render finish and a random rubble sandstone finish along the front elevations. The storage and service area at the eastern end of the building is slightly lower in height and extensively comprises of the random rubble sandstone finish with zinc seam cladding.
- 3.4. The café located to the north-eastern corner rises to a height of 3.9 metres and also incorporates a flat roof. It incorporates similar finishes to the main building including extensive glazing around the main café seating area. The north elevation facing onto the internal distributor road comprises mainly of a plaster render finish with zinc seam cladding.
- 3.5. It is also proposed to erect a totem pole advertisement sign at the vehicular entrance at the north-east corner of the site. Details of all surface finishes proposed around the building and car parking area together with details of the landscaping are detailed in the drawings submitted.

4.0 **Planning Authority's Decision**

4.1. **Decision**

- 4.1.1. Galway City Council in its decision dated 14th November, 2018 issued notification to grant planning permission subject to 15 standard conditions.

4.2. **Documentation Submitted with Application**

- 4.2.1. The planning application was lodged on 6th July, 2018. It was accompanied by a planning application form, planning fee, associated drawings a planning report, A Retail Impact Assessment and a Traffic Impact Report.

Planning Report

- 4.2.2. The planning report sets out details of the proposed development and notes that the proposal will provide between 20 and 25 direct full-time jobs. It is also stated that the

proposal will provide the growing western city environs with an enhanced retail offer. The rationale for the proposed development and the policy context in which the proposed development is set is referred to in the planning report. In relation to the latter reference is made to policies contained in the NPF, the Retail Planning Guidelines, the Galway City Development Plan and the Galway Retail Strategy. The report notes that the site is located within a designated district centre and that the Gateway Retail Park is located to the north of the subject site.

- 4.2.3. The planning report also makes reference to the design rationale and approach to developing the subject site with specific reference to the siting and positioning of the proposed building within the site. Details of landscaping and public realm are also referred to and it is stated that the applicant proposes to provide a maximum budget of €5,000 for the provision of a public art installation on the site. Details of the delivery and waste management arrangements are also set out and the economic benefits arising from the development are also referred to in the report. Finally, the report states that the proposal can be screened out at the first stage of the appropriate assessment processes.

Retail Impact Assessment

This assessment argues that the proposed development complies with the criteria set out for retail development in the Retail Guidelines for Planning Authorities 2012. The location of the site is also deemed to be appropriate in the context of the sequential test. The catchment area is indicated in figure 2 of the report and is calculated to be 26,573 by 2021. Expenditure and turnover estimates for Galway are also set out in the report and it is concluded that there is a significant quantifiable need for additional convenience floor space. It is also concluded that the proposal will in large part derive its turnover from the Knocknacarra area.

Traffic Impact Report

This report sets out a detail description of the baseline environment and sets out details of the proposed development. The proposal will generate a two-way total of 85 movements during a weekday morning and 228 movements during the afternoon peak. The total contribution of additional traffic generated by the proposal on the key junctions to the east and west of the site is generally less than 5% of existing traffic volumes, with the exception of the northern arm of the Bothar Stiofain roundabout

where the traffic generated by the proposal will be between 7-12% of existing traffic volumes.

5.0 Initial Assessment by Planning Authority

- 5.1. A report from the Drainage Section states that there is no objection to the proposed development in terms of surface water drainage.
- 5.2. A report from the Executive Engineer on behalf of the Environment Section stated that there is no objection to the proposed development subject to a number of standard protocols in relation to waste management.
- 5.3. A report from Irish Water states that there is no objection to the proposed development for water services.
- 5.4. A report from Traffic Infrastructure Ireland states that the authority will rely on Galway City Council to abide by official policy in relation to development on/affecting national roads and that the development shall be undertaken strictly in accordance with the recommendation set out in the Transport (Traffic Impact) Assessment.
- 5.5. A letter of objection was received from RGDATA – the representative association for independent family owned grocery outlets nationwide. The contents of this letter of objection has been read and noted.
- 5.6. A report by GVA Planning on behalf of Tesco Ireland also submitted an observation which raises concerns in relation to the contribution of the design of the development towards the character of the area and the extent to which the design and layout has a negative impact on the overall quality of the area.
- 5.7. A report from the Environmental Health Service sets out a number of requirements which must be incorporated to ensure that the proposed development complies with various Hygiene and Foodstuff Regulations as well as details of required ventilation etc.
- 5.8. The initial planner's report notes that the proposed development complies with the zoning objectives set out in the City Development Plan and that the zoning designation can facilitate retail development and this designation would not prohibit the development of a large retail store. The convenience element would not be in competition with the city centre and would not affect the primacy of the city centre.

However, a number of concerns are raised and these concerns require the applicant to submit additional information.

5.9. **Additional Information Request**

5.10. On the 29th August, 2018 Galway City Council requested details in relation to the following.

- The submission of a revised southern elevation varying the building height, roof design and the incorporation of additional glazing facing onto the western distributor road.
- Further clarification in relation to the hours of operation of the café and external seating areas.
- Further details in relation to the exact details and colour of the paving to be used in the car parking and pedestrian areas including the omission of “pea gravel paving”.
- Further details in relation to proposed pedestrian accesses with the view to improving pedestrian penetration into the site.
- Submission of revised site layout plan in which the detached corporate sign/totem pole located adjacent to the roundabout is omitted.
- Please submit a letter of consent of the pathways crossing the strips of lands to Bothár Stoifáin and the landscaping works indicated on these lands which are located outside the boundary of the site.
- The low level timber knee rail located along the site boundary shall be omitted and replaced with a low wall of similar height.
- Finally, the applicant is requested to submit further details in relation to landscaping.

5.11. **Additional Information Submission**

5.11.1. Further information was submitted on 22nd October, 2018. The concerns raised by the Planning Authorities have been addressed as follows:

- Modification and enhancements to the southern elevation of the building are indicated on revised drawings submitted.

- The removal of the totem pole near the roundabout.
- The coffee shop/café is enlarged to 103.5 square metres.
- A modification of enhancements to hard and soft landscaping and boundary treatment including the removal and replacement of the timber knee rail.
- Modification and enhancement to landscaping outside the boundary site and the provision of a letter of consent regarding works to verges on public roads.
This letter of consent from Galway City Council is attached to the response.

5.11.2. In conclusion it is argued that the response to further information comprehensively addresses all issues raised.

5.12. Further Assessment by Planning Authority

5.12.1. A further planning report was prepared which assesses the proposed development in the context of the zoning objectives relating to the site, the development plan policy as it relates to the site, the overall quantum of development proposed and the proposal's compliance with Development Management Guidelines set out in the development plan. It notes that there is a shortfall in car parking provision in terms of the required standard set out in the development plan. However, this shortfall is considered acceptable because of the location of the site within a larger district centre which allows for the generation of multiple trips. Furthermore, it is stated that the overall district centre accommodates a significant surplus of car parking and it is noted that the development is located in close proximity to a large residential population.

5.12.2. The planner's report goes on to detail the additional information submitted and considers this information to be adequate and therefore recommends that planning permission be granted for the proposed development.

6.0 Planning History

6.1. No history files are attached.

6.2. Reference is made to two relevant history files in the local authority planner's report.

- 6.3. Under Reg. Ref. 97/369 Galway City Council granted planning permission for the construction of a roundabout with ancillary roads (being part of the proposed western distributor road) on lands in the vicinity of the site.
- 6.4. Under Reg. Ref. 13/341 (An Bord Pleanála Ref. 243481) An Bord Pleanála upheld the decision of Galway City Council and granted planning permission for the Aldi store on contiguous lands to the east. The decision of the Board was dated October, 2014.

7.0 Grounds of Appeal

7.1. The decision of Galway City Council to issue notification to grant planning permission was appealed by RGDATA. RGDATA is particularly concerned with the proliferation of planned and permitted convenience stores in suburban locations throughout Galway City in recent years. The cumulative impact from these retail developments poses a real threat to the future vitality and viability of the town centre. It is argued that there is no justification for a new additional convenience foodstore to serve this part of the city as the Knocknacarra District Centre is already served by an Aldi convenience foodstore to the immediate east. Furthermore, there is a large Dunnes Stores convenience retail unit which exists within Phase 1 of the Knocknacarra District Centre (Gateway Park). Reference is made to the Retail Planning Guidelines (Section 2.3) where it states that retailing in district centres should not be promoted to the extent that they begin to act as retail destinations in their own right. It is further argued that the Planning Authority has misunderstood the nature of the proposed convenience retail development as there is no longer a distinction between a discount store and any other convenience supermarket offering as per the most up to date Retail Planning Guidelines. It is further noted that there are a number of retail stores in the wider area including:

- Supervalu in Barna which is 4.2 kilometres to the south-west.
- Joyce's supermarket c.1 kilometre to the south-west.
- Dunnes Stores (west side) c.1.7 kilometres to the east and
- Aldi (west side) which is 2 kilometres to the east.

- 7.2. Reference is made to the Board's decision to refuse permission for a Lidl in 2015 on the Ballymoneen Road under Reg. Ref. PL61.245218 where the Board concluded that it is not satisfied that an adequate case has been made for the quantum or type of retail facility proposed.
- 7.3. It is also argued that the proposed development is premature pending a sustainable mix of uses within the district centre. It is noted that the city development plan aims to provide an urban village at this location. However, the existing district centre is dominated by retail use with little or no mixture of uses provided to date. Extant planning permissions are dominated by shopping/retail uses. There needs to be a greater emphasis on a mix of public health care facilities, smaller scale units, restaurants and residential to be provided at this location. In the absence of an additional sustainable mix of uses, it is considered that an additional large scale convenience retail store is premature.
- 7.4. The grounds of appeal also argue that the proposed development is not compliant with the CI zoning objective relating to the site. This zoning objective seeks to provide retail of a type and scale appropriate to the function and character of the area. It is argued that the proposal contravenes the above zoning objective on the grounds that the Knocknacarra District Centre is already well served by convenience retailing.
- 7.5. The grounds of appeal further argue that the proposed development specifically contravenes each of the specific development objectives for the CI zoned lands as they related to the subject site in relation to the following:
- The specific development objectives require that a site shall include for a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floorspace proposals. A proposed standalone convenience foodstore will do nothing to address this shortfall.
 - It is also a specific development objective that the development of the lands in question will only be considered where it can be shown to be linked in with existing development and show how it relates to the overall layout of the area in order to provide for a high quality urban design. It is argued that the single-storey development along a high profile corner site represents an

underutilisation of zoned serviced land with a poor urban design response particularly in terms of addressing the western distributor road.

- The provision of a civic open space will be a requirement of the site and the land shall be reserved for such purposes. It is argued that there is no usable communal open space area provided as part of the subject application. Furthermore, it is unclear where the civic open space for the district centre is to be reserved.
- It is stated that any additional phase of development shall include for the 'front-loaded' delivery of public/community facility. It is argued that a standalone retail development does nothing to assist with the front loading of an appropriate community facility within the district centre.
- It is also stated that any future development shall include for a number of small retail service/retail units to deliver a broad range of district centre uses. With the exception of providing a small standalone café, the proposal does nothing to contribute to this objective.
- The plan seeks to attract commercial leisure and educational uses and again it is argued that the development does nothing to fulfil this requirement.
- The development plan also seeks to attract industry and enterprise of an appropriate type and scale and it is considered that the provision of a well-designed mixed use multi-level building which is suitable for enterprise and office use will be more appropriate for a district centre.

7.6. Reference is made to the Retail Design Manual which seeks to deliver more compact urban form in order to optimise the capacity of urban lands. The design manual goes on to state that there is an increasing trend to develop space over the shopping area in the form of cinema, leisure uses and restaurants etc. The sample standalone single-storey supermarket on zoned serviced lands at a high profile corner site is not appropriate. Failing to maximise the development potential of lands it is also contrary to the National Planning Framework.

7.7. The development site displays an opportunity to provide for a high quality multiple level well designed commercial building which would benefit its prominent location at a corner site. It is argued that the overall design and particularly the south facing

elevation consists of a monotonous elongated elevation with little or no visual interest. The proposed development is dominated by surface car parking with residual green verges being relegated to the peripheral areas around the site.

7.8. It is also argued that the proposed development provides inadequate car parking which is significantly lower than the standards required in the development plan. According to Table 11.5 of the county development plan, 150 spaces are required. However, only 86 are provided leaving a shortfall of 43%. It is suggested that the proposed retail floorspace would therefore appear to be excessive and exceeds the capacity of the site.

7.9. For all the above reasons An Bord Pleanála are requested to overturn the decision of the Planning Authority and refuse planning permission for the proposed development.

8.0 Appeal Responses

8.1. Planning Authority's Response to the Grounds of Appeal

8.1.1. It appears that Galway City Council did not submit a formal response to the grounds of appeal.

8.2. Applicant's Response to the Grounds of Appeal

8.2.1. The Planning Partnership, Consultants agents on behalf of the applicant submitted the following response to the grounds of appeal.

- From the outset it is argued that RGDATA have objected to and appealed all retail developments in the area. It is stated that the proposed development will generate economic activity on a construction and operational phase and will expand the retail facilities and choice in a growing part of the city.
- With regard to the need for additional floorspace, it is argued that the retail impact assessment submitted with the original application clearly demonstrates that there is a need for the proposed development and that the site, located within a district centre, is in accordance with the retail strategy for the city. The Retail Planning Guidelines note that where a proposed retail development submitted as a planning application has demonstrated to the Planning Authority that it complies with the policies and objectives of the

development plan and the relevant retail strategy, additional supporting background studies such as demonstration of compliance with the sequential approach or additional retail impact studies are not required. RGDATA have attempted to block similar type retail developments in the area. However, it is noted that the Board has previously granted a cumulative floorspace of over 4,000 square metres of net convenience floorspace in the wider area.

- With regard to the prematurity of the development, it is argued that the proposed development will result in the utilisation of a currently vacant and underutilised site providing a positive addition to the existing district centre. Other substantial areas of land remain undeveloped as part of the overall district centre area and have been earmarked for a mixed of uses including residential, community etc. It is argued that the completion of the subject site will only act as a catalyst for the general improvement of economic activity in the area and in Galway. The developers of the second phase of the district centre have outlined a masterplan for the provision of future phases of development including a wide mix of uses which shall give effect to the objectives of the development plan. It is therefore argued that a wide range of uses in the district centre will be catered for and will provide a degree of local, social and community functions within the area. This point was alluded to the in local authority planner's report.
- With regard to the issue of non-compliance with the zoning objective, it is respectively submitted that given the district centre designation relating to the site, the type and scale of retail development is appropriate. The clustering of a number of supermarkets in a district centre is also a relatively common occurrence providing choice to customers at a single location.
- With regard to the non-compliance of specific development objectives outlined for the CI zone it is submitted that these objectives relate to the overall holistic development of the district centre which includes a considerable land bank and has only partially been developed to date. It is contended that the subject site is not obliged to achieve all the individual objectives listed under the CI zoning objective.

- In relation to the requirement for a proportion of residential development, it is suggested that the subject site and the character of the surrounding area would not lend itself to an increase in the volume of development necessary to accommodate residential development. The masterplan which is being provided by the main developer of the remaining lands has indicated that there is a significant land bank in the area which is capable of accommodating residential development.
- It is considered that the proposed development will link into the existing district centre and will improve connections in the area to the completion of currently missing footpath links along the site boundary etc. Similarly, in relation to the provision of civic space it is a general requirement for the overall development of the district centre and not a specific objective to the subject site. Likewise, the subject site is not amenable for the provision of a substantial community facility park and play area. The finishing of footpaths and landscape in the surrounding area will finish the subject site and its surrounding to a high standard and this would constitute a significant planning gain.
- In relation to the provision of other facilities, it is again argued that this is not a specific requirement of the subject site. Furthermore, it is noted that a school has recently opened on an adjacent site and there are also proposals in Phase 2 to develop crèche and gym facilities. As such the provision of commercial leisure uses and educational uses and educational uses do not arise in respect of the subject site.
- With regard to the argument that the proposal represents an inefficient use of zoned land, it is stated that the plot ratio of the current proposal before the Board is in excess of that associated with the existing Aldi scheme - which the Board granted. It is argued that the provision of additional floorspace would not be feasible in terms of the capacity of the site to provide the necessary scale of additional facilities such as car parking, open space etc. It is suggested that the development is not inefficient but is a suitable design response to the site characteristics.

- 8.2.2. In terms of urban design and visual impact it is argued that the design of the proposed development is a bespoke and a site-specific proposal with the elevations of the proposed development actively addressing the site frontages. A computer generated image is submitted in the response to the grounds of appeal. The permitted layout provides for excellent pedestrian connectivity through the subject site. And the provision of a coffee shop/café attracts visitors and will have a positive benefit on the public realm.
- 8.2.3. In relation to inadequate car parking, the traffic impact report notes that having regard to the nature and scale of the development and the location in relation to both public transport services and the fact that the site is located within a residential walk-in catchment, that this will be adequate to accommodate maximum demand at this location. The local authority planner's report came to a similar conclusion.
- 8.2.4. For the above reasons An Bord Pleanála are requested to uphold the decision of the Planning Authority and grant planning permission for the proposal.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Galway City Development Plan 2017 – 2023.
- 9.2. The subject site is governed by the zoning objective CI *“to provide for enterprise, light industry and commercial uses other than those reserved to the CC zone”*. Uses which are compatible and contribute to the zoning objective include *“retail of a type and scale appropriate to the function and character of the area”*.
- 9.3. The development plan also states that CI lands at Ragoon (both north and south of the western distributor road) will operate as a district centre as defined in the DECLG Retail Planning Guidelines for Planning Authorities 2012 as well as providing for other uses permissible in the CI zone. Regarding the northern portion of CI lands at Ragoon (where the subject site is located) the following shall apply.
- The site shall include a minimum of residential/residential commercial development of a scale equivalent to 20% of the proportion of all likely future floorspace proposals. This residential development shall be integrated within the overall scheme.

- Development of these lands will only be considered where it can be shown to be linked in with existing development and shall show how it relates to the overall layout for the area which will include for landscaping, boundary treatment and linkages with the adjoining residential development and transport services. This shall include for adherence with requirements for high quality urban design as referenced in Chapter No. 8.
- The provision of a civic open space will be a requirement on this site and lands shall be reserved for this purpose.
- Any additional phase of development shall include for the ‘front-load’ delivery of a public/community facility which can be in the form of a community facility, a community health facility, a transport facility, a park and a play area over and above normal open space requirements.
- Any future development shall include for a number of smaller retail/service units which can be demonstrated to deliver a broad range of district centre uses, this shall be assessed in light of the scale and nature of uses delivered on the site at that period, noting the outstanding permissions on the overall lands to date.
- Uses such as commercial leisure uses and educational uses which by virtue of their use and scale, serve the needs of the surrounding residential area are encouraged.
- Industry and enterprise of an appropriate type and scale may be permissible on these lands where it is suitably located with reference to the adjoining residential and industrial lands.

9.4. Chapter 6 of the development plan sets out details of the retail strategy. It notes that in terms of the Galway City and county retail hierarchy district centres such as Knocknacarra are listed as Level 3 in the hierarchy. It notes that both Doughiska and Knocknacarra have experienced major growths in population in recent years and have a clear need for the benefit of retail, service retail and community facilities. Knocknacarra has a population of approximately 12,000 with a zoned capacity to reach 18,000 persons. The settlement strategy for this area is to allow development to reach anticipated growing levels of population through consolidation of existing zoned lands. The aspiration of the Knocknacarra District Centre is to function more

as an urban village-type centre than purely a shopping centre to service the scale of population. This is encouraged through a specific development objective for the district centre lands which require a mix of uses including service, retail, public health facilities, community, recreational and residential uses. At present only Phase 1 of the overall development has been completed. This consists mainly of convenience, some comparison, commercial, recreational and some local services. The balance of the phases which include a mixture of public healthcare facilities, smaller scaled units, restaurants, residential and a new primary school will introduce a welcome mix. The objectives in the development plan will support a wide range of uses including civic and residential and are designed to achieve a vibrancy, distinctiveness and local ownership.

10.0 Planning Assessment

I have read the entire contents of the file, visited the site and its surroundings including the lands to the north of the site which form part of the wider area zoned as a district centre. I have also had particular regard to the issues raised in the grounds of appeal and I consider that the Board in determining the current application and appeal before it can restrict its deliberations to the issues raised in the grounds of appeal and these issues are set out under the headings below.

- The Need for Additional Convenience Floorspace
- Prematurity of Proposal Pending a Sustainable Mix of Uses to be provided at Designated District Centre
- Non-Compliance with Zoning Objective and Policy Statements for CI Lands contained in the Development Plan
- Inefficient Use of Zoned Lands
- Urban Design and Visual Amenity Issues
- Car Parking Provision

10.1. The Need for Additional Convenience Floorspace

- 10.1.1. The grounds of appeal submitted argue that there is no need to provide additional convenience floorspace at the subject site having regard to the fact that there is an existing Aldi store operating on contiguous lands to the east and other convenience retailing in the wider area.
- 10.1.2. In response to this issue, I note that the applicant submitted as part of the original application, a retail impact assessment to the Planning Authority. This assessment incorporated a systematic and methodological approach which in my view demonstrated and concluded that further retail space could be provided within the overall lands which would not materially impact on other retail centres.
- 10.1.3. I also note that the development plan envisages that the population of the Knocknacarra area will increase from approximately 12,000 to 18,000 over the lifetime of the plan and this in itself will necessitate the need for an increase in convenience floorspace.
- 10.1.4. The Planning Authority have not been prescriptive in terms of the amount of convenience retail space which can be developed at the district centre at Knocknacarra. In the absence of any detailed prescriptive analysis specifying the amount of convenience floorspace that should be provided at the district centre, I do not consider that it is the role of An Bord Pleanála to attempt to regulate the commercial/retail market and dictate the number of retail units/the amount of floor area that should be dedicated to comparison goods within the district centre.
- 10.1.5. I would also agree with the Planning Authority that the convenience retail element proposed at the subject site which is on the periphery of Galway City, and exclusively serves a suburban area, would not pose a threat to the vitality and vibrancy of Galway City Centre in terms of drawing people away from the city centre in order to do either convenience or comparison shopping at Knocknacarra.
- 10.1.6. The grounds of appeal's reference to the distinction between a discount store and convenience shopping is not in my view strictly relevant or pertinent in the determination of the current application and appeal. The RIA submitted acknowledges that a discount foodstore falls within the umbrella of large convenience foodstores/supermarkets.

10.1.7. I am satisfied therefore that there are no policy statements contained in the retail strategy or the zoning provisions which would preclude the provision of additional convenience retail floorspace at the Knocknacarra District Centre. Furthermore, I am also satisfied that the provision of additional convenience floorspace would not undermine the viability of Galway City Centre.

10.2. **Prematurity of Proposal pending a Sustainable Mix of Uses to be provided at Designated District Centre**

10.2.1. The grounds of appeal argue that the existing district centre is dominated by retail uses and as such there is no mixture of uses to be provided for the district centre to function as an urban village as envisaged in then development plan.

10.2.2. From the outset it should be noted that the subject site is located in a peripheral area of the northern portion of the district centre. It is located in the south-eastern corner of the northern portion of lands governed by the C1 designation. The location of the site therefore would not lend itself to the creation of a focal point within the urban village envisaged under the development plan.

10.2.3. Furthermore, the applicant points out in his response to the grounds of appeal, that planning permission was granted on 3rd August, 2017 for Phase 2 of the Knocknacarra District Centre. It appears from my site inspection that this phase is currently under construction. Details of this application are not contained on file, however details are available on Galway City Council's website. This development comprises of '*a mixed use two-storey development of retail units, crèche with external play area, café and restaurant, gym as well as offices together with car parking and ancillary works and services*'. This development was located to the north of the subject site and in my opinion constitutes a development incorporating a range of uses which are more reflective of urban village type district centre as envisaged in the development plan. The lands of which Phase 2 of the Knocknacarra District Centre is proposed to be located are more centrally located and therefore are a more appropriate location for the focal point of a district centre. I also note that the planning report submitted with planning application 17/158 included details of a schematic masterplan for the district centre. Unfortunately, the details of the schematic plan were not legible on the local authority website. However, it appears that an overall schematic layout was prepared in respect of the lands in question and

the principle of the layout appears to be accepted by the Planning Authority in granting planning permission for the mixed use development under 17/158. I further note that the local authority planner's report in assessing the proposed development states that "*with regard to other objectives outlined for the northern portion of the district centre, such as the location of residential development and the civic square, these were previously permitted on lands to the north directly opposite the constructed retail provision and south of the constructed school, it would be envisaged that these are the locations where such developments would be located in line with what has previously been permitted within the district centre*". It is clear therefore that the Council envisage that the vast majority of mixed uses would be located to the north of the subject site in a central area within the district centre zoned lands. The development of a site at the south-eastern corner of the northern portion of the lands in question are not envisaged to accommodate such a mixed-use role.

10.2.4. Finally, it should also be noted that the lands which are the subject of the current appeal are in closest proximity to the large areas of residential development on the western side of Bothár Stoifáin and are therefore most accessible to these residential areas. I note that there is a designated pedestrian crossing linking up with a proposed pedestrian entrance to the proposed convenience store and this will facilitate better pedestrian access to the store.

10.3. **Non-Compliance with Zoning Objective and Policy Statements for CI Lands contained in the Development Plan**

10.3.1. The grounds of appeal primarily take issue with the statement in the development plan in relation to the zoning objective which seeks to include "*retail of a type and scale appropriate to the function and character of the area*". It is argued that in the absence of a sustainable mix of uses that the proposed development would contribute to the district centre as being "purely a shopping area". I would not agree with this sentiment the peripheral location of the site in the context of the district centre zoned lands and its close proximity to large scale residential development to the west in my view makes it suitable to accommodate the use proposed. I would reiterate that under the CI zoning objective, convenience retail development is a use which is considered to be compatible with and contribute to the CI zoning objective. I consider that the provision of a retail store with a net sales area of less than 1,500

square metres constitutes a retail development of a type and scale appropriate to the function and character of the area as envisaged under the zoning.

10.3.2. With regard to the various policy statements contained in the development plan the grounds of appeal argue that the proposed development is contrary to the stated provisions on the grounds that:

- It does not incorporate a minimum of 20% residential/residential commercial development.
- That the development does not illustrate how it is to be linked with existing development and how it relates to the overall layout of the area including landscaping boundary treatment etc.
- Does not result in the provision of a civic open space.
- Does not result in the front-loading delivery of public/community facilities.
- Does not result in a number of small retail/service retail units.
- Does not result in the provision of commercial/leisure uses and educational uses.
- Does not result in industry and enterprise of an appropriate type and scale within the CI designated lands.

10.3.3. I consider that the specific policy statements referred to in the development plan relate to the overall envelope of lands which are governed by the CI zoning. I would agree with the applicant's contention that the subject site having regard to its modest size and its peripheral location within the overall northern portion of the lands in question would not lend itself to many of the policy statements referred to above. It is clear in relation to residential/residential commercial development that the plan envisaged that such development be provided on a scale "equivalent to 20% of the proportion of all likely future floorspace proposals". It is clear therefore that this objective relates to the overall lands and not specifically the site in question.

10.3.4. Furthermore, I am satisfied that having regard to the existing road network and the provision of footpaths and proposed pedestrian links into the site from the surrounding area, that the applicant has demonstrated how the proposed development links in with adjoining residential development and transport services.

- 10.3.5. I do not consider that the subject site, having regard to its peripheral location, constitutes an appropriate site to provide a civic open space within the overall landholding.
- 10.3.6. With regard to the front loading of public/community facilities, I refer to Galway City Council's grant of planning permission under Reg. Ref. 17/158 which incorporates numerous community facilities including a crèche, a gym and an office space which could accommodate further community/health facilities. I also note that smaller retail units are provided as part of this development. I further note that there are two separate kids indoor play facilities located directly opposite the site to the north. Commercial leisure uses have also been granted planning permission under 17/158 and I further note that educational uses have been provided in the form of a primary school.
- 10.3.7. Finally, in relation to industry and enterprise the statement in the development plan suggests that such uses "*may be permissible on these lands where it is suitably located with reference to adjoining residential and industrial lands*". It is clear from the above statement that it is not a requirement that the lands in question would be used for industry and enterprise and that the development of any such lands would be evaluated on its merits and in accordance with the proper planning and sustainable development of the area. I have argued previously above that the subject lands are most suitable for convenience retailing having regard to the close proximity and the pedestrian links available to residential development.

10.4. **Inefficient Use of Zoned Lands**

- 10.4.1. The grounds of appeal make reference to the Retail Design Manual and in particular Section 6 of the said manual. This manual accompanies the Retail Planning Guidelines and sets out a framework for modern shopping formats and supporting and promoting the attractiveness and competitiveness of city and town centres as places to live, work and visit. The manual suggests that, in the case of new retail development and in particular larger schemes, a more compact urban form should be required.
- 10.4.2. The need to provide a more compact urban form at higher density would not in my view be readily applicable to the suburban site on the periphery of the city. The surrounding character of the area is predominantly two-storey with prevailing building

heights of 6 to 8 metres. The proposed development is located on a slightly elevated site which may not lend itself to a multi-storey development in visual terms. Existing retail facilities within the district centre are predominantly single-storey surrounding by surface car parking. The maximum plot ratio permitted of CI lands is 1.25. The plot ratio in the current application is approximately 0.36 which is well below the maximum standard set out in the plan. However, the nature of the proposed use would necessitate that a large amount of surface car parking be provided as part of the development and for this reason I consider the overall quantum of the development proposed on the site in question to be acceptable.

10.5. Urban Design and Visual Amenity Issues

- 10.5.1. I acknowledge that the subject site is located on a parcel of land which is somewhat elevated above the adjoining western distributor road to the south and is located at a prominent corner site near the junction with Bothár Stoifáin. However, I do not accept that the proposed structure is substandard and monolithic in appearance. The design proposed was subject to an additional information request and the overall design was amended to incorporate a varied roof profile and incorporate a wide ranging palette of materials which helps break up the overall size and scale of the building in order to give it a more pleasing visual aesthetic. I also consider that the proposal seeks to incorporate high quality materials including extensive glazing which will help animate the elevation particularly on the western side of the building facing towards a residential development on the opposite side of Bothár Stoifáin. The overall design in my view is appropriate and reflective of a commercial/retail development located in a suburban district centre.
- 10.5.2. The grounds of appeal also suggested the layout fails to provide usable open space areas. I do not consider it necessary to provide usable functional open space within a commercial/retail development. Such spaces should ostensibly be reserved for residential communities. I also consider that the overall landscaping and boundary treatment to be appropriate for retail development. There are numerous pedestrian entrances to the proposed development on the western and north-western elevation and pedestrian crossings are located within the car parking area to ensure

appropriate and safe segregation of pedestrians and vehicles. The amount of pedestrian access will ensure good permeability through the site.

- 10.5.3. The visual appearance and aesthetics of the proposed building is suitable in my opinion and is appropriate for the suburban character and context in which the proposed retail unit is to be located.

10.6. Car Parking Provision

- 10.6.1. Table 11.5 of the development plan sets out the car parking space requirements for different types of developments. In the case of supermarkets and shops one car parking space is required per 15 square metres of gross floor area. If the above limit was strictly applied to the current proposal before the Board a total of 147 spaces would be required to serve the proposed Lidl store. The applicant in this instance has provided 86 spaces. The traffic impact report submitted with the application has set out a convincing case based on actual car parking usage at discount food stores that the level of car parking provided would be sufficient to serve the requirements of the proposed development. I visited the site in question and noted that the Aldi Store adjacent was only c.50% full on Thursday at lunch-time. The local authority planning report also notes that the subject site located within a district centre is likely to encourage the generation of multiple trips to the overall district centre. As already pointed out in my report the appeal site is located within close proximity to a large residential population catchment area and this should facilitate a greater number of trips to the foodstore by foot. The fact that there is a direct pedestrian link between the foodstore and the residential population on the western side of Bothár Stoifáin should also encourage a trip to the stores by foot. The subject site is also served by a number of bus routes including the 414 and the 412 both of which pass outside the subject site.

- 10.6.2. For these reasons I consider the amount of car parking to be provided at the subject site to be acceptable.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development to be acceptable and fully in accordance with the zoning provisions set out in the development plan. I therefore recommend that the decision of Galway City Council be upheld in this instance and that planning permission be granted for the proposed retail development on the subject site.

12.0 EIAR Screening Determination

On the basis of the information on file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and as such an environmental impact assessment is not required.

13.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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 a European site.

14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 Reasons and Considerations

Having regard to the CI zoning objective relating to the site, it is considered that the proposed discount foodstore supermarket with ancillary off-licence sales would, subject to the conditions set out below would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the vitality or

viability of convenience retail stores in the wider area or Galway City Centre, would not be prejudicial to public health and would generally 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.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars received by the planning authority on the 22nd day of October, 2018, 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. Details including samples of all the materials, colours and textures of all the external finishes to the proposed discount foodstore and café shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. With regard to the café the following shall be applicable:
 - The construction of the café building and associated facilities shall occur simultaneously as the development of the discount foodstore.

- Details of the café opening times shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

4. All signage details associated with the café shall be agreed in writing with the planning authority prior to commencement of development. Details of all external seating associated with the café shall be agreed in writing with the planning authority prior to the occupation of the café unit.

Reason: In the interest of orderly development.

5. Prior to the commencement of development all details in relation to the colour, texture and finishes of all paving associated with the car parking area together with pedestrian areas and walkways shall be agreed in writing with the planning authority.

Reason: In the interest of visual amenity and traffic safety.

6. The development shall include a professional piece of artwork the details and location of which together with the commissioning details and timeframe for its erection shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 and 1800 hours Monday to Friday and between 0900 and 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation

from these times will only be permitted in exceptional circumstances where prior written approval has been received from planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

8. The hours of operation of the main retail unit shall be between 0800 hours to 2200 hours Mondays to Sundays. Any 24-hour operation shall be restricted to four weeks of each calendar year specifying the specific dates/periods of which shall be submitted to, and agreed in writing with, the planning authority in advance of commencement of trading. Any period of 24-hour operation shall be confined to times around the Christmas and Easter holiday period.

Reason: In order to protect the residential amenities of the area.

9. Prior to the commencement of development, the off-licence element of the store shall be indicated on the site layout plan and details of its location within the building and its size shall be agreed in writing with the planning authority. Any extension to the off-licence area shall be the subject of a separate grant of planning permission.

Reason: In the interest of clarity and to protect the residential amenities of the area.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

11. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement a litter management plan and a recycling plan for the site and the immediate surrounding area.

Reason: In the interest of protecting the visual amenities of the area.

12. Prior to the commencement of development, details of all plant machinery, filters, extraction vents or odour control units to be used in connection with the development shall be submitted to and agreed in writing with the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within the plant and machinery, ducting, filters or extraction vents to be incorporated into the building. All plant shall not extend above roof level.

Reason: In the interest of residential amenity.

13. The internal road network serving the proposed development including turning bays, junction, parking areas, footpaths and kerbs together with the access road to the service area shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and traffic and pedestrian safety.

14. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the agreement in writing of Galway City Council or other bodies responsible for such utilities before any such alterations are carried out.

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

15. Water supply and drainage arrangements, including the [attenuation and] 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.

16. The developer shall be responsible for installing and maintaining a vehicular wheelwash facility on site during the construction phase.

Reason: To reduce the amount of mud and dirt being transferred to the adjoining road network and in the interest of visual amenity.

17. The developer shall pay to the planning authority a financial contribution of €93,603 (ninety-three thousand six hundred and three euro) towards the cost of the provision of public services in the area which facilitate the proposed 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. The application of any indexation required by this condition 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.

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.

Paul Caprani,
Senior Planning Inspector.

25th March, 2019.