



An
Bord
Pleanála

Inspector's Report

ABP-304163-19

Development	Refurbishment of derelict cottage and construction of extension for use as a café / restaurant, the construction of detached building for use as a bicycle rental and repair shop.
Location	Blackrock ,Salthill, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	1911
Applicant(s)	McHugh Property Holding Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	McHugh Property Holding Ltd
Observer(s)	None.
Date of Site Inspection	27 th June 2019.
Inspector	Brid Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.209 hectares is located at Blackrock Cottage. Pollnaroona West, Blackrock, Salthill on the north inner shore of Galway Bay. The site which has an area of 0.2 hectares is located at the western end of Salthill promenade adjacent to the curved S-plan stepped seating and north of the bathing shelter and iconic diving board. The public toilets are located to the northwest and Galway Golf Club to the west. The R336 Regional Road is located to the north with a number of three storey apartment developments opposite.
- 1.2. The site is occupied by a derelict cottage with grassed area and hedging and is bounded on three sides by stone walling. The boundary to adjacent public parklands is temporarily fenced off. Access is from the R336 from the north via tarmac public walkway bordering the eastern boundary of the site. The cottage has a simple form. Though its roof has collapsed its gable chimney remains and the existing structure is obscured and significantly overgrown. A low boundary wall to the front / south east of the structure has a pedestrian gate entrance providing access to the front door.
- 1.3. The site is bordered to the north east by the Galway Bay Complex SAC and the Inner Galway Bay SPA.

2.0 Proposed Development

- 2.1. The application as set out in public notices involves permission for
 - (a) The refurbishment of the exiting derelict cottage and the construction of a single storey extension (132m²) all for use as a café / restaurant.
 - (b) The construction of a single storey detached building (66.5 m²) for use as a bicycle rental and repair shop.
 - (c) The construction of an 18-space carpark with access onto Salthill Road, and
 - (d) All ancillary site and external works including modifications to existing boundary walls, landscaping and connection to existing services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 14th March 2019 Galway County Council decided to refuse permission for the following six reasons:

“1. The site of the proposed development is located in an area zoned for RA – Recreation and Amenity – to provide for and protect recreational uses, open space, amenity uses and natural heritage. The proposed development which constitutes a significant scale of development of a commercial nature would, by its nature, uses, scale and layout represent a material contravention of the provisions of the Galway City Council Development Plan 2017-202 and would be contrary to the proper planning and sustainable development of the City.

2. The proposed development would by virtue of the design, scale, layout, including associated access and car parking and likely ancillary elements, impact on Protected View No V4 as identified in Section 4.5.3 of the Galway City Council Development Plan 2017-2023 to such a degree as to impact the special visual and amenity value and as a result, be in conflict with Policy 4.5.3 as included for in said plan.

3. The site of the proposed development is traversed by a specific cycle network objective as identified in the Galway City Council Development Plan 2017/2023, that is a Galway Transportation strategy (GTS) Cycle Greenway route. The proposed development by virtue of scale, layout and access arrangement would frustrate the objective to deliver the infrastructure for this element of sustainable transport route and be in conflict with Policy 3.6 in the plan and would therefore be contrary to the proper planning and sustainable development of the city.

4. The proposed development is considered to be deficient with regard to policy 3.7 of the Galway City Council Development Plan 2017-2023 and would be in conflict with said plan and the principles of the Galway Transport Strategy (GTS) and The Design Manual for Urban Roads and Streets (DMURS) and would therefore be contrary to the proper planning and sustainable development of the city.

5. The proposed development which accommodates a vehicular access is located on a section of busy urban road, close to a junction and in proximity to a popular city and tourist attraction and where proximate provision exists for persons with disabilities, the combination of this context and the deficiencies of sightlines renders

the proposal a potential traffic hazard and is therefore an unacceptable form of development.

6. The proposed development is located on a site in Salthill which has a distinctive unique character and amenity value. Any Development on a site of such sensitivity would be required to appreciate the value of this area including its significant amenity, its architecture, its landscape, its cultural significance and its visual uniqueness as is recognised in the Galway City Council Development Plan 2017-2023. The proposal by virtue of design and layout fails to meet this criteria and would detract from the attractiveness and character of the area and would therefore be contrary to the proper planning and sustainable development of the Salthill area, which is a primary asset in the City.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report notes conflict with numerous policies and objectives of the City Development Plan. Significant scale is deemed inappropriate. Proposed uses have no relationship to zoning. Design is of a basic functional nature with no design link to the existing cottage nor any gesture to the prevailing distinctive design of the structures on the promenade. Layout primarily towards public road creates a distortion of the pattern of address to the seafront. Negative impact of parking. Proposal unacceptable from transportation perspective. Refusal strongly recommended.

3.2.2. Other Technical Reports

3.2.2.1 Heritage Officer's report notes that the house was relatively intact until about twenty years ago. Since then it has been extensively vandalised. Interior of the building should be archaeologically excavated in a licensed excavation to recover and record any remnants of historic features. Building may prove to be of late 17th or 18th century date. Building should be recorded in greater archaeological detail with full 1:50 scale plans and drawings and a 3D model should be made of the building and its curtilage. The proposed new extension is ugly and inappropriate to the vernacular setting. Car spaces would destroy the field system and granite walling.

3.2.2.2 Executive Engineer Drainage Section. No objection subject to conditions.

3.2.2.3 Recreation and Amenity Department report expresses concern that the applicant has lodged the application without consultation. Drawings are misleading with respect to absence of consent for works on Galway City Council lands. Inappropriate level of development.

3.2.2.4 Executive Engineer Transportation. Recommends refusal given direct adverse impact on Greenway a key transport infrastructure proposal under the Development Plan. Sightlines are inadequate to the east and no regard given to existing on street parking arrangements specifically disabled parking currently provided at the end of the promenade.

3.3. Prescribed Bodies

3.3.1 Irish Water No objection subject to connection agreement.

3.3.2 Department of Culture, Heritage and the Gaeltacht, notes concern regarding proximity to Natura 2000 sites and potential to negatively impact the Galway Bay Complex SAC and Inner Galway Bay SPA. Concerns for surface and groundwater quality during and post construction, direct loss of habitat, habitat fragmentation and disturbance to qualifying interest bird and mammal species. In the event of permission mitigation measures as outlined in NIS to be implemented to prevent negative impact on the adjacent European Sites.

3.4. Third Party Observations

3.4.1 James Smythe, Aran House, North Circular Road Dublin 7 expresses concern that parking is insufficient with no bicycle parking provision. Design is inappropriate. Concerns regarding future development as suggested on Drawing P-014.

4.0 Planning History

PL.61.221207 (06/261) Application for permission to construct a two-storey rear extension and alter front elevational fenestration. An Bord Pleanála upheld decision of Galway City Council to grant permission subject to conditions following third party appeal. 14th May 2007. I note that the reporting inspector had recommended refusal on basis of consideration that any previous residential or commercial use had been abandoned and on grounds of inappropriate design. Site notices also considered

inadequate. The Board however considered there had not been an abandonment of such use and on basis of limited scale of development considered the design would be acceptable in terms of visual amenity.

12/106 Permission PL.61.221207 (06/261) was extended to 09/05/2017 – now expired.

5.0 Policy Context

5.1. Development Plan

- The Galway City Development Plan 2017-2023 refers. The site is zoned for Recreational and Amenity Use. The zoning objective seeks *“To provide for and protect recreational uses, open space, amenities and natural heritage.”*
- The R336 fronting the site is designated as a panoramic protected view. V4 *“Seascape views of Galway Bay from Grattan Road, Seapoint, the Salthill Promenade and the coast road to the western boundary of the Golf course.”* Policy 4.5.3 applies. *“It is the objective of the Council to assess proposed developments, which are located within the foreground, middle ground or background of a protected view in the context of their scale, design and location.”*
- Indicative Greenway network is shown on City Development Plan map runs parallel to the roadside boundary of the site and along the inside of the western boundary of the site.
- Section 10.3 Salthill.

The Salthill Promenade is a major recreational facility for city residents, a strong tourist attraction and key city landmark culminating with the iconic Blackrock diving tower. It is an important active and passive amenity space with significant footfalls particularly during the summer season.

In recognition of the importance of the Salthill Promenade as a recreation and amenity resource and a tourist attraction, the Council will carry out a strategy for its long-term management and enhancement. The strategy will consider issues such as access, car parking, support facilities, flood risk, surface treatment, landscaping and street furniture. It will build on improvements carried out following the storm damage in recent years. It will also complement the rehabilitation works proposed for the Blackrock diving tower and works to enhance accessibility for users of these facilities.

Policy 10.3

Enhance the role of Salthill as an urban village, a leisure, recreation and coastal amenity area for the city and service centre for the surrounding residential neighbourhoods.

Ensure high quality in the design of new developments which has regard to the distinctive character of Salthill.

Continue to improve the amenity recreational quality of the area through the preparation of a strategy for the long-term management and enhancement of Salthill Promenade and by the implementation of environmental and coastal improvement schemes and measures included in the Galway Transport Strategy. This shall include for appropriate flood risk assessment and management measures.

- Salthill promenade which includes a number of structures noted as being of regional rating on the National Inventory of Architectural Heritage including the S-plan bathing area, 30409405, shelter 30409404 and diving platform. The appraisal notes that the assemblage creates a visual impact while providing a social aspect to the seafront area.

5.2. Natural Heritage Designations

- The site is adjoining the Galway Bay Complex SAC [000268]
- The Inner Galway Bay SPA [004031] is within 7 metres
- Lough Corrib SAC [000297] 23.8km
- Connemara Bog Complex SAC [002034] 10.8km
- East Burren Complex SAC [001926] 12.2km
- Moneen Mountain SAC [000054] 13.3km
- Ross Lake and Woods SAC [001312] 13.8km
- Black Head Poulsallagh Complex SAC [000010] 14.2km
- Lough Fingall Complex SAC 000606 14.6km
- Lough Corrib SPA 004042 4.96=km
- Creganna Marsh SPA 10.4 [004142] 10.4km
- Connemara Bog Complex [SPA 004181] 14.9km

5.3. EIA Screening

- 5.3.1 Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, 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

6.1.1 The first party appeal is submitted by McCarthy Keville O Sullivan Ltd. on behalf of McHugh Property Holding Ltd. Grounds of appeal are summarised as follows:

- The proposed development is appropriate in terms of overall planning and sustainable development of the area and is consistent with national and local planning policies and objectives as well as requirements and standards.
- Scheme has been amended to address the traffic concerns and to facilitate provision of the two-way Bearna Greenway route. Parking and vehicular access now excluded from the plans and a lower wall proposed along the western end of road frontage.
- As regards zoning – the proposed café and bicycle repair and rental facilities are related to the wider area for recreational use. Will enhance the amenity and recreational value of those using the promenade the diving tower and beach and will serve the existing coastal route and future Bearna Greenway.
- Proposal complies with Policy 10.3 Salthill. Currently no developments offering cafe or bike rental along this side of the Promenade.
- The proposed development will have no perceptible impact on panoramic protection view V4. The proposed development nestles into the landscape and is sited on low lying lands sheltered by higher topography to the north of the site.
- Carefully considered design and layout to minimise visual impact.
- Current derelict structure does not present a high-quality element of the public realm and is of no particular value to the protected view 4.
- Drawing showing potential additional works to the south (including bicycle racks, bike stand and playground).
- Appeal is accompanied by letters of support from a number of daily swimmers.

6.2. Planning Authority Response

6.2.1 The response of the Planning Authority reaffirms grounds of refusal and asserts:

- Unlike previous permission the proposal is not an extension of an existing non-conforming use.
- Photomontages are misleading as they do not demonstrate ancillary elements.
- Selected views do not demonstrate more exposed easterly views.
- Alignment of greenway has not been determined.
- Benefits of a café and bike servicing / rental scheme can be easily accommodated within the village of Salthill or elsewhere on greenway.
- Note proposal to exclude parking is without benefit of public consultation.
- No specific quality in the design that suggests it has recognised the significance of the location and no attempt to make a gesture to the prevailing style of structures.
- Galway City Council would request the Board to uphold the Council's decision to refuse permission for the proposed development.

7.0 Assessment

7.1 Having considered the proposal I consider that the key planning issues to be addressed in this appeal can be assessed under the following broad headings.

Zoning and Development Plan Provisions

Design and Visual impact and impact on the amenities of the area.

Traffic and Transport

Appropriate Assessment and other matters.

7.2 Zoning and Development Plan Provisions.

7.2.1 As regards zoning the site is zoned Recreation and Amenity RA. The objective is "*To provide for and protect recreational uses, open space, amenity uses and natural*

heritage.” Uses which are compatible with and contribute to the zoning objective include outdoor recreation. Uses which may contribute to the zoning objective dependent on the RA location and scale of development for example. “Development of buildings of a recreational, cultural or educational nature or car parking areas related to and secondary to the primary use of land/water body for outdoor recreational. Public utilities, Burial grounds and associated services. The proposal involves the introduction of a substantial commercial use would clearly materially contravene the zoning objective. I do not accept the argument made by the first party that the proposed use is justified on the basis that it would serve the primary outdoor recreational use.

7.2.2 I note that the reporting inspector dealing with previous appeal on the site ref PL61.221207 in 2007 concluded that any previous commercial (a seasonal shop reportedly located in an annex lean-to structure, by then no longer in existence) and residential element on the site had long since been abandoned. I note that the Board did not concur with this view. Given the further passage of time and having regard to the derelict nature of the site I consider that it is reasonable to conclude that the use has been abandoned given the prolonged and gross neglect of the building.

7.2.3 The level of development now proposed (Total floor area 264 sq.m) introduces an entirely new commercial use to the site and is materially in contravention of the zoning of the site and therefore contrary to the proper planning and sustainable development of the area. I note that the conditions whereby the Board may grant permission in accordance with Section 37(2)(b) of the Act do not arise in this case. Clearly the proposal is not of strategic national importance.(37(2)(b)(i). There is no basis to make a claim that there are conflicting objectives in the development plan or the objectives are not clearly stated insofar as the proposed development is concerned. 37(2)(b)(ii) Furthermore no basis arises that permission should be granted having regard to regional planning guidelines for the area, guidelines under Section 28 Policy Directives under Section 29, the statutory obligations of any local authority area or any relevant policy of the Government, the Minister or any Minister of the Government 37(2)(b)(iii). Finally, there is no grounds to support a case that permission for the proposed development should be granted having regard to the pattern of development and permissions granted in the area since the making of the development plan. 37(2)(b)(iv).

7.3 Design and Visual Impact and impact on the amenities of the area.

7.3.1 On the issue of design and visual impact, I note the impact of the development on designated View and Prospect V4 - "*Seascape views of Galway Bay from Grattan Road, Seapoint, the Salthill Promenade and the coast road to the western boundary of the Golf course*". I would concur with the City Council's planner that the proposal by virtue of its design, scale and layout, and notwithstanding the proposal to omit car parking and vehicular entrance, would significantly and negatively impact on the protected view V4. The approach along the Knocknacarra Road from the west is not addressed by the first party and I consider that this view would be unduly negatively impacted on. The loss of the open nature of the site would clearly be detrimental to the visual and scenic amenities of the area.

7.3.2 As regards the detail and aesthetic of the proposed design I do not consider that the proposed extension and detached bicycle rental and repair building demonstrate any particular architectural merit. In my view the proposal fails to have regard to the sensitivities of the location. In this context I echo the concerns raised by the City Council Planner with regard to the failure to have regard to the unique context and specific character of the structures along the promenade which epitomise the identity of Salthill and which are recognised in the NIAH as of regional significance particularly in view of their style which although constructed circa 1950's reflect the Art Deco 1930s beach front architecture. The proposal is entirely at odds with the special character of the location and therefore unacceptable on design grounds.

7.4 Traffic and Transport

7.4.1 As regards the traffic impact and conflict with the Galway Transport Strategy and green cycleway route, I note that the omission of the vehicular entrance and parking proposal as outlined within the grounds of appeal seeks to address concerns with regard to traffic hazard. The question of construction impact is not addressed within the proposal. As regards servicing, having regard to the scale of development proposed, the development as outlined has the potential to generate a not

insignificant level of traffic resulting in potential conflict with future greenway and current access arrangements.

7.5 Appropriate Assessment and Other Matters

- 7.5.1 On the issue of appropriate assessment, I note the natura impact Statement compiled by McCarthy Keville O Sullivan. Two sites were screened in for assessment Namely the Galway Bay Complex SAC and Galway Bay SPA. It is noted that none of the habitats within or adjacent to the site correspond to those listed in Annex I of the EU Habitats Directive. No habitats listed as qualifying interest of the Galway Bay Complex SAC are located within or in close proximity to the proposed works. No evidence of Annex II protected species associated with the Galway Bay Complex SAC were recorded within or adjacent to the site boundary. Site was searched for signs of Otter listed as a qualifying interest of the Galway Bay Complex SAC but none were recorded. No Qualifying Interests or Special Conservation Interests associated with any other European site were recorded. No optimal breeding or foraging habitat associated with any bird species listed as SCIs of the Inner Galway SPA was recorded within the site.
- 7.5.2 As regards the assessment of likely effects on European sites, Galway Bay Complex SAC adjacent to the northern boundary there is no potential for direct impact. A potential pathway for impact in form of deterioration of surface water quality was identified in relation to aquatic habitats / species. It is asserted that the design and range of measures including securing the site with silt fencing robustly block the pathway for impact. Surface waters will be collected in the new surface water network including hydrocarbon interceptor and foul water services will connect to the sewer network. In relation to disturbance no evidence of Otter or Harbour Seal was recorded. Given location it is likely that fauna have habituated to human activity and no impact related to disturbance is anticipated.
- 7.5.3 As regards the Galway Bay SPA there is no potential for direct impact. The identified pathway for indirect impact in the form of deterioration of surface water quality. Design measures including provision for silt fencing blocks pathway for impact. Surface waters will be collected in the new surface water network including hydrocarbon interceptor and foul water services will connect to the sewer network.

No disturbance impact is anticipated since no breeding or foraging habitat for any SCI species associated with the SPA was recorded adjacent to the works.

- 7.5.4 It is asserted that due to the small size and scale of the proposed development and mitigation/ best practice measures will ensure no potential for impact on the Galway Bay Complex SAC or Galway Bay SPA. As regards likely cumulative impact in combination with other plans and projects no potential or cumulative or in combination pollution, disturbance, displacement or habitat loss is predicted.
- 7.5.5 I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites, Galway Bay Complex SAC and Galway Bay SPA, or any other European site, in view of site's Conservation Objectives.
- 7.5.6 As regards the wider ecological impact of the proposal I note that having regard to the character of the ruin structure on site there is potential for bats to be present and this should be investigated, and necessary survey and mitigation measures outlined. I am not satisfied that satisfactory ecological surveying has been carried out in this regard however I note that this is a new issue and in light of the substantive reasons for refusal I do not propose to include this issue within the grounds for refusal.
- 7.5.7 As regards architectural heritage, I note the observations of the city council's heritage officer with regard to the need for additional survey and licensed excavation to recover and record remnants of historic features. I would consider that any such investigations would be required to inform the detailed nature of any future renovation of the ruin.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of Galway City Council be upheld, and permission refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the unique character and the composition of Salthill promenade which includes a number of structures noted as being of regional rating on the National Inventory of Architectural Heritage including the S-plan bathing area, 30409405, shelter 30409404 and diving platform and to Policy 10.3 of the Galway City Development Plan 2017-2023 which seeks to ensure high quality in the design of new developments which has regard to the distinctive character of Salthill, it is considered that the proposed development by reason of its scale, layout and design would fail to achieve the quality of design required for this prominent site, would be visually obtrusive and would materially and adversely affect the character of the location and detract from the visual qualities of the area. The proposed development would not comply with the policies of the planning authority and would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area zoned RA – Recreation and Amenity, the objective for which is to provide for and protect recreational uses, open space, amenity uses and natural heritage. The proposed development which involves the establishment of a significant commercial development would by reason of its nature and scale materially contravene a development objective indicated in the development plan for the zoning of the land for the use for recreation and amenity and would be contrary to the proper planning and sustainable development of the area.
3. The site is located in a prominent position visible from designated view of special amenity value and interest V4 Seascape views of Galway Bay from Grattan Road, Seapoint, the Salthill Promenade and the coast road to the western boundary of the golf course route. It is the policy of the Development Plan Policy 4.5.3 Community Spaces: Protected View of Special Amenity Value and Interest to Protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city through the control of inappropriate development, which policy is considered reasonable. Having regard to the prominent location of the site, and the siting and design of the proposals as submitted, it is considered that its development would give rise to visually obtrusive development when viewed from adjacent designated scenic route V4, would seriously detract from

the visual amenities of the area and would be at variance with the objectives of the development plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
02 July 2019