



An  
Bord  
Pleanála

## Inspector's Report ABP 304250-19

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<b>Development</b>	Change of Use from Bulky retail to Discount Food Store with off license, lifts, carparking, trolley bays, signage and site development works.
<b>Location</b>	Units Nos 5 and 6 Wellpark Retail Park, Wellpark Road, Galway.
<b>Planning Authority</b>	Galway City Council
<b>P. A. Reg. Ref.</b>	19/19
<b>Applicant</b>	Radical Properties Unlimited, Galway.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission
<b>First, Third Party Appellant</b>	RGDATA
<b>Second, Third Party Appellant</b>	Brian Conway
<b>Date of Site Inspection</b>	25 <sup>th</sup> June, 2019.
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site is that of two vacant units, (Units 5 and 6) at the southern end of a block (Block B) within Wellpark Retail Park which was formerly occupied by PC World. Wellpark Retail Park is located on lands with access from both Wellpark Road (R339) to the north and from the Dublin Road, R 338 to the south. The R 338 and R339 intersect at the Moneenageisha Cross junction is a short distance to the west. There is surface parking and basement level parking accessed via a ramp at the centre of the site. A petshop, (Petmania) within a Leisure and Retail Block is opposite Units 5 and 6 and it has a steel door in the side elevation opposite the two units. (It opens into the space in which a passenger lift between the ground level and the basement level carparking is proposed in the application.)
- 1.2. Two-way vehicular access for customers is available from Wellpark Road and Dublin Road it being possible to drive through one entrance and out the other via the internal access road off which there is a ramp to the basement level at the centre of the site. There is also a separate gated service entrance of Wellpark Road which opens onto a service lane which extends along the rear, east side of the block in which Units 5 and 6 are located as far as a services' gated entrance off a mini roundabout off the Dublin entrance road. To the east side with shared access off the Dublin Road is a gated residential apartment block scheme and further residential development accessed off Wellpark Road adjacent to the site.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for a change of use from bulky retail use to a discount food store with an off license, the gross floor area of which is stated to be 1,753 square metres comprising 1548 square metres at ground floor level and 205 square metres at mezzanine level. The stated net floor area is 1,069 square metres. A lift to the basement level in the adjoining block (Block A) carparking, trolley bays, signage and wayfinding to the basement and site development works. Six signs are proposed:

Unit 6: A corporate sign 2.5m x 2.5m (6.25 square metres)

Unit 5. A corporate sign 2.5m x 2.5m (6.25 square metres)

Unit 6 A panel sign 8.0m x 4.015m (32.12 square metres)

Unit 5 A panel sign 8.0m x 4.015m (32.15 square metres)

Unit 6 Vinyl on glazing 7.16m x 2.70m (19.33 square metres)

Lift Access/Wayfinding sign 4.0m x 1.1m (4.4 square metres)

The application is accompanied by a retail impact statement and a traffic report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated, 22<sup>nd</sup> March, 2019 the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature.

Also included are the following requirements:

Condition no 3: A compliance submission showing, on an elevation drawing, advertising signage (Sign Nos 2 and 3 ) omitted.

Condition No 4: A compliance submission showing, a comprehensive advertising regime/signage scheme with included, “non-corporate way finding to the basement carpark.”

#### **3.2. Planning Authority Reports**

##### **Planning Reports**

- 3.2.1. The planning officer in his report indicated satisfaction with the proposed development having regard to scale and retail function in providing for retailing need without adversely affecting vitality of the retail core of the city and retailing in the locality, or the amenities of the area and traffic and transportation and parking considerations.

##### **Other Technical Reports**

- 3.2.2. The report of the Executive Engineer, Transportation dated 18<sup>th</sup> March,2019 indicates no objections subject to inclusion of conditions with requirements for submission of a mobility management plan for the development for written

agreement with the planning authority, works to the public services and utilities to be at the applicant's expense and a road opening licence.

### 3.3. **Third Party Observations**

- 3.3.1. The submission of RGDATA, (First Third Party Appellant) indicates concerns about locating large scale convenience retail development at an "out of centre" location as inappropriate for the C1 zoning objective, in that it would affect the vitality viability and the primary retail function of the city centre as provided for in the Retail Hierarchy, is over intensive for the existing retail park premises and would generate significant traffic and pedestrian safety issues.
- 3.3.2. The submission of Brian Conway (Second Third Party Appellant) indicates objection to the proposed change of use. It is submitted that the units should be retained in bulky retail use.

## 4.0 **Planning History**

- 4.1. **P. A. Reg. Ref. 01/05:** This the parent grant of permission for Wellpark Retail Park. Permission was granted for a mixed-use development, vehicular and pedestrian access off Dublin Road and Monivea Road, customer parking and associated site development works. The stated area of the overall site is 2.978 hectares and the stated gross floor area of the development is 19,396 square metres.
- 4.2. The planning officer in his report on the current application also notes a grant of permission for amalgamation of the ground and mezzanine levels at Units 3 and 4 Wellpark Retail Park under P. A. Reg. Ref. 13/145.
- 4.3. **P. A. Reg. Ref. 06/05:** Further to Appeal, the planning authority decision to refuse Permission for subdivision of Unit 2 into two retail units was upheld based on reasoning relating to the zoning and specific objectives of the Galway City Development Plan, 2005 – 2011. The application included a proposal for use of Unit 1, the larger unit as a convenience store There is a fully detailed history relating to minor applications primarily, for the Wellpark Retail Park included in the written submission accompanying the application.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is location is within an area subject to the zoning objective C1: *Enterprise, light industrial and commercial*.

There is a specific objective for the Wellpark Retail Park and Leisure Park under Section 11.2.6 according to which the planning authority will consider the full range of retail uses identified in the Retail Planning Guidelines within the Retail Park and Leisure Park.

The Retail Hierarchy for the City and County and Retail Policies and objectives are set out in Section 5.3

According to section 6.10 there is a requirement for a Retail Impact Assessment to be carried out for major development proposals so that compliance with the CDP can be demonstrated. Net Retail Floor area requirements are set out in Table 6.4.

There is a requirement for parking provision at one space per 15 square metres GFA for retail use and at one space per 70 square metres GFA for retail warehousing.

## 6.0 The Appeals

### 6.1. First Third-Party Appeal by RDGATA.

6.1.1. An appeal was received from Tara Buckley on behalf of RGDATA on 18<sup>th</sup> April, 2019 in which it is stated that the planning authority's assessment lacks serious consideration of the substantive issues that were raised in the objection to the proposed development at application stage. It is requested that permission be refused.

6.1.2. According to the appeal:

- The location at Wellfield Retail Park in an 'out of town' location which is not even designated as "District Centre", "Neighbourhood Centre" or, identified in the Retail Hierarchy contradicts the Retail Planning Guidelines' (RPGs) policy of protection of viability, vitality and the primary retail function of the city centre

which is Level 1 in the Retail Hierarchy as provided for and supported in sections 6.3 and 5.1 of the CDP.

- The proposed development is contrary to the RPGs in which Section 4.11.2 warns against an uncontrolled range of goods being sold in Retail Parks due to detrimental impact on city and town centres and advocates tight control to minimise potential adverse impact on central areas. Section 4.11.1 of the RPGs recommends that large retail convenience stores be located in or at the edge of city, town or district centres or their edges.
- The proposed development is contrary to the “C1” zoning objective in the CDP which provides for enterprise, light industry and commercial uses other than those in the CC (City Centre) zone. The only exception to the exclusion of convenience retailing in a C1 zone is at Briarhill, not at Wellpark.
- The proposed convenience store function is inappropriate to an existing retail park development in that section 6.8 of the CDP states that it is important that the range of retail goods sold in retail parks is restricted to goods of a bulky nature. The unit has a gross floor area of 2,520 square metres and is “large scale” according to the application drawings. It could also become a “destination” for an extensive catchment at the junction of Old Dublin Road and Monivea Road. The retail floor area is excessive, and it is estimated to be 1,548 square metres as opposed to the stated area of 1,069 square metres which is underestimated and arbitrary.
- No sequential test or assessment was undertaken so permission should be refused. The submitted Retail Impact Statement (RIS) is not a Sequential Test as required under Sections 2.5.2 and 4.4.2 of the RPGs with it only being in ‘exceptional circumstances’ that an ‘out of centre’ location can be considered. It must be demonstrated that there are no viable available and suitable locations at the designated city or town centre or district centre and edge of centre areas. The net retail floor area of 1,548 square metres should be applied, in the Capacity Assessment in Section 5.7 of the Retail Impact Statement.

- The proposed development, especially given the intensification of use in the retail park involved, contravenes the parent grant of permission under P. A. Reg. Ref. 01/5 restricting use of the units to retail warehousing. According to Condition No 3 of the grant of permission the neighbourhood shops units are restricted to Unit Nos 10A 10B and 10C as specified in a letter of 20/04/01 with interconnection and increase in floor area not being permitted without a prior grant of permission. Unit 11 is confined to a restaurant with a floor area of 240 square metres. The condition includes a requirement that the precise uses are the uses shown in the application.
- Carparking provision is insufficient to serve the gross floor area of 2,520 square metres for which 168 spaces are required according to the standards in Table 11.5 of the CDP being one space per 15 square metres gross floor area. This is a significant shortfall especially given car dependency associated with the intensification of convenience retailing use. There is a shortage of spaces at surface level near the store entrance. The store location is beside the main entrance and roundabout off which there is gated delivery access proposed and where there is a footpath will result in traffic hazard with regard to parking and vehicular movement endangering pedestrian safety. No road safety audit was provided so permission should be refused.
- There is insufficient capacity on the road network on Old Dublin Road, Monivea Road and Monnageisha Junction which are at capacity and heavy trafficked. There is frequent congestion at the junction as acknowledged and confirmed in the traffic not accompanying the application. Furthermore, vacant sites at the retail park could become active generating additional traffic.
- The proposed loading bay is to be accessed by a narrow service road and HGV turning movements will not be accommodated and there is no autotrack analysis with the application. Conflict with pedestrian and vehicular movements to the front of the store adjacent to the roundabout will occur.
- The multiplicity of signs proposed (six no totalling an area of 101 square metres) is excessive, represents undesirable precedent and is a distraction for



road users. The requirements of condition Nos 4, and 5 do not even incorporate a reduction in size.

- There appears, contrary to the statement in the RIS, that there is no grant of permission for the amalgamation of units 5 and 6 under P. A. Reg. Ref. 01/05 and this was not clarified by the planning authority.
- Eighteen additional car spaces shown on the drawings at basement level are not referred to in the public notices. This was not addressed by the planning authority and it is of third-party interest.

## 6.2. **Second, Third Party Appeal by Brian Conway.**

An appeal was received from Mr. Conway of Headford Road on his own behalf on 18<sup>th</sup> April, 2019 according to which:

- The proposed development is in conflict with the CDP's retail policy in respect of Retail Warehousing and Bulky Goods whereby it is the policy of the planning authority according to section 6.8 (extracts from which are provided in the appeal) to ensure that the range of goods sold in retail parks is restricted to goods of a bulky nature.
- The proposed development is in direct conflict with the original grant of permission under P. A. Reg. Ref. 5/01. Reference is made to the planning officer's assessment of that application and in particular in relation to the request for additional information in relation to the intended uses of the units and that the planning authority was insistent on "neighbourhood" shopping units and limitations to their sizes. Extracts from his report and the submissions are included in the appeal.
- The combination of Units 5 and 6 into a single unit was implemented without a prior grant of planning permission which was subsequently regularised. It is questioned why the current proposal which it is contended is for one of the largest supermarket chains can be considered as a neighbourhood shopping outlet. The supermarket and off license would be totally at odds with the Retail Park.

- The proposed development would exacerbate existing problems with traffic congestion and parking at Wellpark Retail Park. Several photographs are provided to illustrate Mr. Conway’s concerns about:
  - Narrow width of the internal roadway and conflicts occurring with reversal of vehicles from perpendicular parking spaces;
  - Regular traffic jams outside some of the Woodies adjacent to the Wellpark Road entrance,
  - Delays and tailbacks within the retail park and on the public road and movement at a “snail’s pace” for vehicles when exiting and entering via the Wellpark Road entrance.
  - Severe congestion, delays and obstructions at the Dublin Road entrance including blocking the access to the adjoining ninety-four unit residential development off the mini-roundabout.
  - Obstruction and insufficient customer parking to the front of Units 5 and 6.
- Potential precedent for further similar development if proposed development is permitted.

### 6.3. Applicant Response

6.3.1. A detailed submission was received from the applicant’s agent on 20<sup>th</sup> May, 2019 included with which are separate documents on Traffic and Safety Concerns, Ground Level Way Finding Signage and, Rigid Vehicle Entrance and Exit routes.

In response to the appeals it is stated that:

- The location for the proposed development is not “Out of Centre” as contended in the appeals. It is a suitable, ‘edge of city centre’ location and it therefore accords with the RPGs, accords with the C1 zoning in the CDP and the site-specific policy allowing for change from bulky goods to convenience retailing and enhance the service offer at the Wellpark Retail Park. Section 11.2.6 of the CDP allows for the full range of retail uses at Wellpark Retail Park. It is recognised as the preferred location for the proposed

convenience store accords with the RPGs in that it provides a neighbourhood and local retail function.

- The net retail floor area is 1,069 square metres. Ten percent was deducted to allocate for an area of comparison retail, so the total net retail convenience retail floor area is 962 square metres. This quantum was considered acceptable for the catchment according to the planning officer. In the technical note provided in Appendix B it is claimed that the appellant fails to recognise that the areas excluded are ancillary areas relating to parking revisions, trolley bays, lifts and plant rooms. The ratio is 69% net retail sales floor area to 31% ancillary.
- A sequential test is not mandatory according to section 4.2 of the RPGs if a planning authority is satisfied that compliance with the sequential approach as provided for in the RPGs has been demonstrated. An RIS was submitted and the planning officer indicated satisfaction as to appropriate scale. The contentions as to an estimated net retail floor area of 1,548 square metres and deficiencies in the RIS are rejected. All the figures in the RIS are correct and it is demonstrated that there is capacity for the proposed development within the retail catchment.
- The objectives within the current CDP for Wellpark Retail Park supersede restrictions and conditions relating to the parent grant of permission under P. A. Reg. Ref. 01/5 as is confirmed in the planning officer report. Condition No 3 of which related to Units 10A, 10B and 10C relating to neighbourhood shop use.
- There is a requirement for 103 parking spaces for the GFA of 1,548 square metres, at one space per fifteen square metres according to CDP standards. The assertion as to a requirement for 168 spaces for 2,520 square metres is rejected. The Technical Note provided with the submission prepared by Stephen Reid Consulting confirms that the proposed development does not result in a shortfall of parking, would not lead to haphazard parking in the vicinity and that the claims in the appeal are to the contrary are unfounded.
- With regard to the way finding scheme, as required under Condition No 4 of the planning authority decision it is stated in the Technical Note that minor

delays must be expected at peak periods in a retail park and that planning officer report is satisfied that there are no concerns on access, servicing, carparking, or general traffic and pedestrian safety.

- The auto tracking movements were tested and confirm satisfactory accommodation of deliveries without conflict with the use of the mini roundabout as indicated the Technical Note provided with the submission. HGVs would not use the delivery area from the mini roundabout or turn in the service area and there are no changes to the operation of the gate at the service area, one-way circulation route.
- The signage proposed is not excessive and is essential to commercial businesses. The proposed signage is appropriate in the context of the location and does not set undesirable precedent or a distraction to road users.
- The two additional lifts will benefit all customers in the retail park according to the technical note. The basement carpark is to be increased in size by eighteen spaces and the total will be more than adequate to accommodate increased demand due to the change of use. It is neither demonstrated or accepted that there will be severe congestion as asserted in the appeal of Mr. Conway. Minor delays only will occur, and the emotive terminology used in the appeal is not accepted.
- It is confirmed that Permission was granted for the amalgamation of Units 5 and 6 under P. A. Reg. Ref. 06/161 and, that parking is specified in the development description contrary to assertions made in the appeal.

#### **6.4. Planning Authority Response**

- 6.4.1. A submission was received from the planning authority on 15<sup>th</sup> May, 2019 according to which the planning authority considers the proposed development compliant with the land-use zoning objective and the specific objective in the current development allowing for consideration of the proposed development. The parent grant of permission under P. A. Reg. Ref. 01/05 and some of the conditions attached to it are no longer relevant. It is confirmed that the retail impact assessment and roads infrastructure, parking and servicing arrangements are considered satisfactory, as advised by the Transportation and Infrastructure Section and pointed out that

compliance submissions are required for a servicing plan, cycle parking and restrictions on signage.

## 7.0 **Assessment**

8.0 There is some overlap in the issues raised in the two third party appeals against the decision to grant permission for the proposed development. The issues raised in one or both appeals can be considered under the following subheadings:

Strategic policy for Convenience Retailing:

Consistency with the 'C1' zoning objective

Scale and Intensity – Net Retail Sales Area:

Mandatory Sequential Testing.

Traffic flow, parking and pedestrian and vehicular safety

Services/Deliveries Arrangements

Customer Parking.

Vehicular and Pedestrian Safety and Convenience

Signage.

Residential Amenities

Environmental Impact Assessment#

Appropriate Assessment.

### 8.1. **Strategic policy for Convenience retailing:**

#### 8.1.1. Consistency with the 'C1' zoning objective.

Having reviewed the details for the Zoning Objective C1 which provides for retail use “of a type and of a scale appropriate to the function and character of the area” and to the specific objectives in section 11.2.6 of the CDP whereby the planning authority “will consider the full range of retail uses identified in the Retail Planning Guidelines within the Retail Park and Leisure Park” there is no doubt that convenience retailing is open to consideration and can be accepted at the site

location. having regard to the zoning and specific objectives for the site provided for in the CDP. It is clear with reference to the CDP that convenience retailing at a scale and intensity appropriate to the retailing needs of the local catchment is not excluded from consideration. It is therefore concluded that the proposed discount food store, is, subject to consistency with the policies and objectives for convenience retailing within the Retail Planning Guidelines, the Retail strategy for the city and the normal planning and technical criteria and context specifically applicable to the site location can be considered. Bearing this in mind, the case also made on behalf of the applicant that the proposed development is not in material contravention of the parent grant of permission having regard to changes in CDP policies and objectives is accepted. (P. A. Reg. Ref. 01/05 refers.)

To this end, if it is established, that the vitality and viability of the retail function of the central city area would not be materially affected by the proposed discount food store and that the catchment would not exceed that of a local catchment, further consideration of the proposed development is reasonable.

#### 8.1.2. Scale and Intensity – Net Retail Sales Area:

The appellant disputes the stated net retail sales area within the proposed development claiming that due to the understatement of the quantum of retail sales area, the conclusion reached in the retail impact statement (RIS) that the vitality and vibrancy of the retail core would be unaffected is incorrect and unreliable. Further to review of the lodged plans, it is considered that the internal layout shown is reasonable but lacking in sufficient detail. However, there would be scope for enforcement action in the event of material changes to the internal layout providing for increases in net retail sales area without a prior grant of planning permission. The proposed “notional store layout” at ground floor level is stated to be 1,548 square metres on the lodged plans whereas in the application the net sales area is stated to be 1069 square metres.

As pointed out above, comprehensive details for the internal layout to indicate the subdivision between net retail sales area and storage, staff facilities and ancillary space are not provided. To this end, the claim in the appeal as to underestimation of the net sales area and correspondingly, the contention is to unreliability of the predictions, based on the stated net sales area of 1,069 square metres,( inclusive of

10 percent comparison goods sales area) within the retail impact statement by the appellant is not unreasonable. Of the Gross floor area for the ground floor, 479 square metres, (exclusive of the 205 square metres required at mezzanine level for a plant area) appears to have been designated as non-retail sales area and this ratio of circa 70/30 is reasonable.

Notwithstanding the lack of clarity in this regard, it is considered that the proposed development would be at a scale appropriate, as required in the CDP, to the function and character of the area in providing for local retailing need with compromise to the retail function in the local area or adverse impact on the vitality and vibrancy of the retail core of the city. In the event of possible favourable consideration of the proposed development, issue of a section 131 request to this end could be issued prior to determination of a decision.

However, it is recommended, subject to it being agreed that there is no conflict with regard to the intensity of the development and extent of retail impact having regard to strategic retail policy and all other planning considerations, that submission of a detailed revised floor plan in which the net retail sales area is clearly distinguished, by way of compliance with condition is reasonable and acceptable.

#### 8.1.3. Mandatory Sequential Testing.

The contention that there is a mandatory requirement for a comprehensive sequential testing to be undertaken and incorporated with a retail impact assessment to be prepared and submitted as part of the application is noted. It is agreed with both the planning officer and the applicant, bearing in mind the site location and zoning objective, that the proposed development is at a scale and intensity for which such a requirement is inessential. As pointed out in the response to the appeal, this view is consistent with the recommendation within section 4.2 of the Retail Planning Guidelines that demonstration of compliance with the sequential approach is inessential if it is established that the proposed development is consistent with CDP policies and objectives. This approach is considered appropriate even though it is acknowledged that there is some potential underestimation of retail impact in the submitted RIS as discussed above.

## 8.2. Traffic flow, parking demand and pedestrian and vehicular safety

### 8.2.1. Services/Deliveries Arrangements.

It can be confirmed, based on the inspection and the documentation submitted in connection with the application that there is a gated services entrance for the rear, east side of the Block and that this services lane extends along the inner side of the site as far as a gated services entrance off the Wellpark Road at the northern end. The route is 'one way' with vehicles entering from Wellpark Road and exiting onto the mini roundabout at the Dublin Road access route adjacent to Unit 6 and onwards out onto the Dublin Road. Operators of Discount Food store and supermarket chains receive deliveries of all lines of goods inwards from a centralised Distribution Centre in one vehicle.

In the traffic note accompanying the response to the appeal it is confirmed that there is no proposed departure from this arrangement in the current proposal. It is stated that one to two rigid HGV truck movements per day of this nature would take place using the existing services lane, entrance and exit. The submit auto track analysis indicates that the existing facilities are suitable for the proposed development in this regard and it is concluded that servicing of the proposed discount food store would not result in material deterioration of the existing traffic and pedestrian circulation and safety or the amenities of the area.

### 8.2.2. Customer Parking.

There is no dispute that a discount food store would generate some increased trip generation, turnover and parking demand. The case made in the technical note accompanying the application and response to the appeal as to a distinction between a stand-alone conveniences store (which according to the appeal generates a 168 space requirement and, according to the applicant's response a 103 space requirement) and change of use within a multi- store retail park with communal parking provision is reasonable and is accepted. It is noted that parking standards are based on gross floor area according to the CDP.

The traffic survey submitted with the application indicated that vacant spaces through a normal weekday are significant. The planning officer notes that some units within the Retail Park are unoccupied which may contribute to the underutilisation but is also satisfied that the proposed development incorporating the



additional eighteen spaces is sufficient, subject to submission of a non-corporate way finding signage plan. The view of the planning officer in this regard is supported in that an issue with regard to parking management, which is common not only to the Wellpark Retail Park but to retail and retail park developments in general is underutilisation of basement level parking facilities and pressure on demand for surface level spaces. The permitted use generated a requirement of twenty-two spaces and an additional eighteen are proposed for the basement and as a result a total number of spaces is increased to 516 from 498 of which 165 are at surface level. The claim as to the likelihood of dual use of the spaces over the day and visits to multiple units within the Retail Park by customers using the carpark is reasonable.

However, it is also considered that while the quantum of parking spaces may be sufficient but congestion and obstruction may still occur at the surface level, especially in the case of the proposed development, as pointed out in one of the appeals by use of the spaces in front of Unit Nos 5 and 6 accessed off and egressed into the internal roadway immediately to the front of the units.

Management measures can be put in place to encourage and redirect use of parking facilities towards underutilised spaces which is a matter for the overall management of a retail park. The inclusion in the application of the proposed lift between ground and basement level directly opposite the site is an effective measure towards attracting and encouraging customers to use the basement level parking facilities. The appropriate way finding signage to be provided in accordance with the requirements of condition no 4 attached to the decision to grant permission should be effective, if permission is granted.

#### 8.2.3. Vehicular and Pedestrian Safety and Convenience.

Additional pedestrian movement between the proposed store and the lift access which would be on opposite sides of the internal access road would occur and is of concern with regard to conflicting pedestrian and vehicular circulation on the internal access road at this location contributing to congestion. An existing pedestrian crossing is located to the front of the adjoining Unit (No 4) which would be available for customers. On balance, owing to the location within a retail park it is considered that the proposed arrangement is acceptable, especially if customers can be

effectively encouraged to use the basement parking facilities through effective management at the Retail Park.

### **8.3. Signage.**

- 8.3.1. Under Condition No 3 of the planning authority decision, Sign Nos 2 and 3 proposed in the application are omitted from the development. The omission of the two signs is effective in eliminating concern as to excessive signage and an impact of visual clutter. Within a retail park it is reasonable to assume a relatively high capacity to accept commercial signage with where possible restrictions and limitations should be applied on the basis of visual impact on the public realm outside the site environs. It is noted that the applicant has not lodged an appeal against the requirements of condition No 3 and it is considered that a satisfactory balance with regard to the extent and range and impact of the proposed signage and the visual amenities of the area has been achieved as a result.
- 8.3.2. There is no objection to the proposed wayfinding scheme subject to implementation, of the requirements of condition No 4 attached to the planning authority decision should permission be granted.

### **8.4. Residential Amenities of Adjoining properties.**

- 8.4.1. Given that any change in the use and circulation associated with the services lane, entrance at Wellpark Road and exit onto the mini roundabout at the Dublin Road entrance, notwithstanding potential for some increase in customer traffic entering and within the site it is considered that servicing of the proposed development would not cause adverse impact on the residential amenities and vehicular and pedestrian access to and from adjoining residential development. Additional traffic volumes and intensification of circulation and demand for parking should not unduly affect residential amenities.

### **8.5. Environmental Impact Assessment Screening.**

Having regard to the nature of the proposed development and its location in a serviced and developed retail park in an urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the

environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **8.6. Appropriate Assessment Screening.**

Having regard to the location in a serviced and developed retail park in an urban area, and the nature of the proposed change of use no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **9.0 Recommendation**

In view of the foregoing it is recommended that the planning authority decision to grant permission be upheld and that the appeals be rejected. Draft reasons and considerations and conditions follow:

### **10.0 Reasons and Considerations**

Having regard to the zoning objective C1; (Enterprise, light industry and commercial) and to the specific policy in Section 11.2.6 in the Galway City Development Plan, 2017-2023 according to which the planning authority will consider the full range of retail uses identified in the Retail Planning Guidelines within the Wellpark Retail Park and Leisure Park and, to the scale and intensity of the proposed use as a discount food store, it is considered that subject to compliance with the conditions below, the proposed development would not be detrimental to the vitality and viability of the primary retail function of the city centre of Galway as provided for in the retail hierarchy for the city and county, would be acceptable in terms of traffic safety and convenience, would not seriously injure the visual or residential amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out in accordance with the plans and lodged with the application as amended by the further plans and particulars lodged with An Bord Pleanála on 20th May, 2019 except as may otherwise be required 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.

**Reason.** In the interest of clarity.

2. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority, revised floor plans showing the internal floor layout for the proposed development to include full details of the space designated as the net retail sales area in which the area allocated to off-license sales are distinguished.

**Reason:** In the interest of clarity.

3. Advertising Sign Nos. 2 and 3 shown on the elevation drawings shall be omitted in entirety. Revised plan and elevation drawings shall be submitted to the planning authority and agreed in writing prior to the commencement of the development.

**Reason.** In the interest of visual amenity and orderly development.

4. Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority a non-corporate way finding scheme for the basement carpark, and all details of signage range and locations, specifications including design, materials and finishes, and lighting for the development.

**Reason.** In the interest of clarity, visual amenities and orderly development.

5. All deliveries/services vehicles shall arrive via the services lane entrance off Wellpark Road onto the one-way services lane and shall exit via the services lane exit onto the mini roundabout at the Dublin Road entrance. No deliveries, loading or unloading shall take place on the internal access road or customer carpark.

**Reason.** In the interest of clarity and orderly development, public safety and amenity. interest of clarity.

6. Details of opening and closing times for the proposed development shall be submitted to and agreed with the planning authority prior to the commencement of the development.

**Reason** In the interest of clarity and the residential amenities of the area.

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

**Reason:** In the interest of public health.

8. Details of shopfront signage, materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

**Jane Dennehy.**

Senior Planning Inspector

5<sup>th</sup> July, 2019.