



Development:

Basement Level

- Rearrangement of existing car parking to include electric car charging points
- Inclusion of Motor Bike Parking and bicycle parking bays

Ground level

- 4 no bin stores at ground level
- 1 no bicycle lift shaft from ground to basement, 1 no goods/bicycle lift shaft from ground to basement 01 & level 02
- Extension to existing office entrance
- Relocation of existing double door to retail unit "A"
- Rearrangement of existing car parking to include Electric Car charging points
- Erection of flag poles within the landscaped area adjacent to Tuam Road

Level 01

- Change of use from Industrial to Medical Clinic Use(998m²)
- Change of use from wholesale retail to specialist offices (3368.7m²)
- Additional Carparking at the Ballybane estate roadside of the building to include electric car charging points and landscaping

Level 02

- Construction of a new floor for specialist offices (4378.7m²)

Roof Plan

- Construction of PV/Solar Panels to the roof plan area

Elevations

- Modifications to the glazing on the northeast southeast & southwest elevations
- Signage to the southwest and southeast elevations

- New fire escape doors off stairwells to southwest and northeast elevations.

Location	Northpoint Tuam Road, Ballybaan Beg, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	19210
Applicant(s)	ALC Glenamaddy Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to condition
Type of Appeal	First Party v Condition 2
Appellant(s)	ALC Glenamaddy Limited.
Observer(s)	None.
Date of Site Inspection	31 st January 2020
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1 The appeal site comprises Northpoint an established commercial building (wholesale, retail, office, industrial) located on the eastern side of the Tuam Road N83 circa 3km northeast of Galway City Centre. The Northpoint building is somewhat of a landmark structure of contemporary design laid out over 4 levels over basement car park. Access is from the Tuam Road to the west while there is also access from industrial estate road to the southeast. The building is currently partially occupied. Application details indicate that the building has suffered from long term vacancy for in excess of 10 years. Technical reports on planning file indicate issues with regard to structural capacity of the building and issues with respect to fire safety. In terms of visual impact, the site is dominated by the built structures and surface car parking with a marked dearth of landscaping.

2.0 Proposed Development

2.1. The proposed development involves the following

Basement Level

- Rearrangement of existing car parking to include electric car charging points
- Inclusion of Motor Bike Parking and bicycle parking bays

Ground level

- 4 no bin stores at ground level
- 1 no bicycle lift shaft from ground to basement, and 1 no goods/bicycle lift shaft from ground to basement level 01 & level 02
- Extension to existing office entrance
- Relocation of existing double door to retail unit "A"
- Rearrangement of existing car parking to include Electric Car charging points
- Erection of flag poles within the landscaped area adjacent to Tuam Road

Level 01

- Change of use from Industrial to Medical Clinic Use (998m²)
- Change of use from wholesale retail to specialist offices (3368.7m²)
- Additional Carparking at the Ballybane estate roadside of the building to include electric car charging points and landscaping

Level 02

- Construction of a new floor for specialist offices (4378.7m²)

Roof Plan

- Construction of PV/Solar Panels to the roof plan area

Elevations

- Modifications to the glazing on the northeast southeast and southwest elevations
- Signage to the southwest and southeast elevations
- New fire escape doors off stairwells to southwest and northeast elevations.

2.2 Following a request for additional information amendments to the proposal included omission of proposed flagpoles and amendments to proposed signage.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 24th October 2019 Galway City Council issued notification of its decision to grant permission and seven conditions were attached including the following :

Condition 2. "Prior to the commencement of development, revised drawings shall be submitted for the written agreement of Galway City Council showing the omission of the proposed 27 car parking spaces at the rear south-eastern section Ballybane Estate entrance point of the site. Reason: In the interest of proper planning and sustainable development and to comply with the policies of Galway City Development Plan 2017-2023.

Condition 7. Development Contribution €170,511.20.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought further information to address a number of items including

- Compliance with building control and fire safety regulations.
- Issues regarding structural capability of the building.

- Omission of fascia signs on south east facing elevation and omission of flag poles.
- Car parking spaces to be omitted.

3.2.2 Second report recommends permission subject to conditions. In relation to car parking it is stated that the loss of existing basement spaces in order to facilitate surface car parking spaces does not represent sustainable transportation.

3.2.2. Other Technical Reports

3.2.2.1 Report from Transportation unit recommends the examination of whether provision for a bus lane set back can be provided.

3.2.2.2 Building Control Officer's report notes that the existing building is in breach of building regulations including non-compliant stairways, non-compliance with fire safety certificate. Concerns also expressed regarding the structural capability of the building. A structural report including calculations on foundations, columns, floor plates, roof structure stability etc to confirm whether the structure is accordance with the relevant codes. Deficiencies highlighted to be addressed. Consultation with Fire Officer recommended. Part II and Part III of the Building Control Regulations applies to the proposed change of use and a commencement notice, Fire Safety Certificate and a Disability Access Certificate are required.

3.2.2.3 Following submission of additional information, the building control report notes that all works are to be carried out to the satisfaction of the building control authority including fire officer and building control officer.

3.3. **Prescribed Bodies**

3.3.1 Transport Infrastructure Ireland Report no observations to make.

3.4. **Third Party Observations**

3.3.1 Submission by David Mulcahy Planning Consultants Ltd on behalf of Sean O Hanlon, March Road, Bellurgen, Dundalk. Medical clinic use is not compatible with

zoning objective. Information is scant regarding proposed use. Proposed development will be entirely car dependent. No traffic impact assessment provided.

4.0 Planning History

The following planning history is referenced in the Planner's report. History files have not been provided on the Board's file.

19/217 Application for development comprising amalgamation of unit 3 and 4 change of use from bulky retail / storage use to bulky retail with ancillary comparison / convenience retail use and associated site works. Refused 10/9/2019.

"It is considered that the proposed development, would be contrary to the C1 zoning objective, to provide for enterprise, light industry and commercial uses, other than those reserved to the CC zone, which states that only "....retail of a type and of a scale appropriate to the junction and character of the area" is a use which is compatible with and contribute to the zoning objective and the specific development objective for this C1 zone which states that 'Bulky goods retailing and local retailing needs, will be the only retail types considered on C1 zoned lands not provided for in the Retail Hierarchy at/adjoining Tuam Road" and would be contrary to the 20% limitation of ancillary bulky net retail floor space outlined under the Retail Planning Guidelines for Planning Authorities (2012 DECLG) and Policy 6.1 Retail Strategy of the City Development Plan. The proposed development, if permitted, would be contrary to the C1 land use zoning objective and specific development objective for this area and the policies of the City Development Plan 2017-2023, as outlined under Section 6 Retail Strategy, which seek to protect and reinforce the strategic role of the city centre as the prime retail area and provide for an appropriate distribution, range and scale of retail services throughout the city in accordance with the retail Hierarchy for the city and would therefore be contrary to the proper planning and sustainable development of the area."

08/211 Permission for change of use of ground and mezzanine floors from retail of bulky goods and storage to restaurant use and an additional door on the south west elevation within Unit 4A Northpoint Business Centre.

06/302 Permission for change of units of approved wholesale retail units A,B,C,D,H,J,K,L and approved industrial unit M for use as bulky retail.

05/667 Permission for modifications to 109/03 and subsequent permissions 1056/03 and 204/05. Modifications include moving the building 1.5m away from the north eastern boundary, increasing ridge height of unit H by 1.3m. Reconfiguration of stair tower A and increase in ridge height by 1.7m. Reconfiguration of stair tower C addition of new stair tower B the inclusion of 5 new fire escape stairs from basement

floor which stop at external ground level provision of fire escape accessway along gable of unit M. The inclusion of plant area on the main roof. Reconfiguration of colonnade at ground floor level and all subsequent changes to elevation.

05/691 Permission for an additional floor of 2,699m² of office on top of previously approved development, granted permission under Planning ref 03/109 & subsequent permissions 1056/03 and 204/06 on lands at the former WIP Plant Hire Buildings and Former Lydon House /Thermo King Buildings. Also, for the conversion of basement storage to 83 car parking spaces associated with additional office floor. The remainder of the spaces required will be provided at ground and first floor level.

05/204 Modifications to layout and elevations of Unit F of Permission 109/03 with 2 new entrances and exits onto the Ballybane Industrial Estate Road and ancillary works and services.

03/1056 Amendment to permission 03/109 to include enlargement of basement by 3,434 sq.m to provide accommodation for storage plant areas and ancillary works.

03/109 Permission for the development on the site of existing WIP Plant Hire and Lydon House / Thermo King Buildings, consisting the demolition of existing retail / commercial and industrial buildings and construction of a new 13,712 sq.m commercial /industrial / wholesale retail and specialist office building with 2 new entrances and exits onto the Ballybane Industrial Estate Road and ancillary services.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway City Development Plan 2017-2023 refers.

The site is zoned C1- To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.

The Galway Transport Strategy (GTS) 2016 represents a partnership approach between Galway City Council Galway County Council and the National Transport Authority. The strategy includes traffic management, giving priority to walking cycling and bus movements, modifications to the traffic network, management of parking activities and heavy goods vehicles, improvements to the public realm and use of

'smarter mobility'. The GTS acknowledges that the supply and management of parking is fundamentally linked to the management of travel demand. Consideration for new developments within the city will be given to grouped and dual usage car parking, where peak demands do not coincide and cognisance taken where there is the potential for multi-purpose trips. Each case will be considered on its merits, based on traffic management and modelling assessment and subject to an overriding presumption in favour of sustainable transport. The introduction of electric vehicles (EV) and the government target of 10% of all road vehicles to be powered by electricity by 2020 will require additional EV charging points in the city.

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature of the development it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1 The first Party appeal is submitted by Vincent Hannon Architects. The appeal is in respect of condition 2 and the grounds are summarised as follows:

- Rationale behind the condition is flawed. It would have a detrimental impact on the function of the property. Development will not meet the standards of the Galway City Development Plan 2017-2023.
- A total of 392 bicycle spaces and 44 Electric vehicle charge points are provided in the interest of sustainable transport.
- Existing development has permission for 360 spaces.
- Surface parking is necessary having regard to the nature of the proposed use. If spaces are omitted it is inevitable that ad hoc roadside parking will occur.

- Open space is provided (Lower ground 549.8m² and level 01 320.9m²) giving a total provision of 970.7m² which equates to 6.2% of the site area.
- Permission 05/691 included some 21 surface parking spaces at upper ground level thereby establishing the acceptable use of this area for surface car parking.
- Given nature of proposed medical use as a renal dialysis unit, it is essential that access is simplified. Omission of adjacent parking would impose difficulties on patients and have a negative impact on the functionality of the space.
- Parking is critical to the function of the dialysis unit and compliance with Part M of the building regulations.
- Revised drawing 190504-03-309 indicates a possible reduction in external parking area from 27 spaces to 17. In order to function effectively 17 no spaces would be a minimum requirement.

6.2. Planning Authority Response

6.2.1 The response of the Planning Authority is summarised as follows:

- The Galway City Development Plan 2017-2023 and policies therein relating to transportation seek to support and facilitate the integration of land use and transportation in order to facilitate the overall economic well-being of the city and to ensure the movement of people and goods in a manner that is safe and provides ease of access for all, enhances quality of life and minimises environmental impact. The GTS seeks to manage travel demand in the city this includes the reduction of the use of cars, revised parking standards and development of mobility management plans. Part of the GTS is to reduce the dominance of car parking within the city. Condition 6 requires preparation of a mobility management plan. It is considered that there is adequate accessible convenient and mobility friendly car parking spaces within the purpose-built car park to cater for the requirements of the medical facility.

7.0 Assessment

7.1 Having regard to the nature of the development and the grounds of appeal I consider that determination by the Board of the application as if it is had been made to it in the

first instance would not be warranted and therefore in accordance with Section 139 of the Planning and Development Act 2000 it is appropriate that consideration is confined to assessment of the condition under appeal namely condition 2.

- 7.2 Condition 2 is as follows: *“Prior to the commencement of development revised drawings shall be submitted for the written agreement of Galway City Council showing the omission of the proposed 27 car parking spaces at the rear-south eastern section of Ballybane Estate Entrance point of the site. Reason: In the interest of proper planning and sustainable development and to comply with the policies of Galway City Development Plan 2017-2023.”*
- 7.3 The first party appellant contends that the omission of car parking will negatively impact on the users of the proposed medical unit which is intended as a renal unit and will impact on the commercial viability of the unit. The first party also asserts that the omission of the spaces will increase overspill parking within the Ballybane Industrial Estate.
- 7.4 The response of Galway City Council asserts that the provision of 27 spaces at the rear south eastern section of Ballybane Estate entrance point would be contrary to the GTS to reduce private vehicle dependency in the city and the transportation and mobility management policies of the City Development Plan.
- 7.5 I note that within the appeal response the first party has submitted a revised layout plan proposing a total of 17 spaces fronting onto the Ballybane Estate Road with increased landscaping provision. The first party also notes that permission was granted for 21 car parking spaces at upper ground level as part of permission 05/691. Furthermore, the total number of permitted car parking spaces on the site is 360 spaces whereas what is now proposed is 377 subsequently revised to 367 spaces within the grounds of appeal. I am inclined to accept the arguments of the first party that having regard to the planning history on the site and taking into account the nature and layout of the proposed medical unit use to ensure universal access and in order to prevent overspill car parking within the Ballybane Industrial Estate it is reasonable that a level of surface car parking be retained to this frontage.

As the requirement in respect of the medical unit is calculated as 15 based on Development Plan Requirement of 2 spaces per consulting room, I consider that 15 spaces is appropriate. I consider that the provision of the landscaped area as provided for in the revised layout provided with the first party appeal submission to the Board will improve and soften the visual impact.

- 7.6 I acknowledge the valid concerns of the City Council with regard to sustainable transport and compliance with the Galway Transport Strategy. I note that within the response to the request for additional information it was proposed to eliminate additional car parking spaces within the basement of the building to ensure no net increase in on site parking. I consider that in light of the dual usage within the building and in the interest of sustainable transport a reduction in the level of car parking is indeed desirable. I consider that the elimination of the surplus 5 spaces adjacent to the Tuam Road Frontage and increased provision of landscaping would be desirable. I note the long-term vacancy within this building and consider that on balance the provision of a viable use is welcome in the interest of sustainable development. I note recent refusal of permission in relation to a proposed amalgamation of units 3 and 4 and change of use from bulky retail/storage use to bulky with ancillary comparison/convenience retail use (19/217). I would be of the view that any future proposals in respect of development on the overall site should include a comprehensive strategy to provide for landscaping and public realm improvements with particular attention to the Tuam Road frontage. I consider that having regard to the nature of the proposed medical use the provision of accessible car parking adjacent to the Ballybane Estate Road frontage to cater for the medical unit need is acceptable.
- 7.7 Having regard to the nature and scale of the proposed development in a fully serviced built up urban area, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

8 Recommendation

8.1 I have read the submissions on file, visited the site, and have due regard to the provisions of the Galway City Development Plan 2017-2023 and all other matters arising. Having regard to the nature of the condition the subject to the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below directs the said Council under Section 139 of the Planning and Development Act 2000 to Amend the condition no 2 as follows:

9 Reasons and Considerations

Having regard to the planning history on the site and the nature and scale of the proposed development, to the pattern of development in the area, it is considered that subject to the amended condition as set out below the proposal would be in accordance with the provisions of the current development plan and in accordance with the proper planning and sustainable development of the area.

<p>Condition 2</p> <p>The proposed development shall be amended as follows:</p> <p>Fifteen car parking spaces only shall be provided adjacent to the Ballybane Estate Road frontage which shall be reserved for use by patients of the medical centre. Five parking spaces shall be eliminated adjacent to the Tuam Road frontage with provision for increased landscaping. Revised drawings and a detailed landscaping plan showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and in the interests of sustainable transportation.</p>

Bríd Maxwell

Planning Inspector
2 March 2020