



An
Bord
Pleanála

Inspector's Report ABP-308341-20.

Development	Permission for a mixed-use development including Licenced Discount Foodstore Supermarket, Café/Restaurant, Barbers. Nail Bar, Physiotherapy Clinic and carparking and associated and ancillary development works.
Location	Junction of Bothar Stiofain & Western Distributor Road, Galway.
Planning Authority	Galway City Council.
Planning Authority Reg. Ref.	19/251.
Applicant(s)	Lidl Ireland GmbH.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	RGDATA.
Observer(s)	None.
Date of Site Inspection	26/11/2020.
Inspector	A. Considine.

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1.0 Site Location and Description

- 1.1. 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, in a suburban area on the western edge of the city centre. This area has experienced significant development in recent years, and I note that the site, as part of the wider lands was identified by Galway City Council for a suburban district centre.
- 1.2. The site is located on the north-eastern side of a roundabout at the junction of Bothár Stoifáin and the Western Distributor Road which connects 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.
- 1.3. The site has a stated area of 0.617 hectares and is almost square in shape, with the eastern boundary being irregular where it bounds with the car park associated with the adjacent Aldi store. The site is undeveloped but has some planting along the southern boundary where it bounds the Western Distributor Road.
- 1.4. To the north of the site, there is a local distributor road where access to the Aldi car park is located. This local road also provide access to a small industrial estate which includes a number of units. The Gateway Retail Park is located to the north east of the subject site which operates as a district centre and includes a large Dunnes Stores, Garden/DIY store and office development.
- 1.5. Bothár Stoifáin is located to the west of the site and runs in a north - south direction. This road provides access to an area of suburban residential estates on lands to the west.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for construction of a part single storey, part two storey mixed use development totalling 2,694sqm gross floor space, including: a Licensed Discount Foodstore Supermarket with ancillary off -licence sales measuring 2,154 sqm gross (net retail sales area of 1,377sqm), a Café/ Restaurant measuring 197sqm, a Barbers measuring 80 sqm, a Nail Bar measuring

20 sqm, a physiotherapy clinic measuring 56 sqm, and associated communal areas measuring 187 sqm; and, the provision of associated car parking, free standing and building mounted signage, free standing trolley bay and enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, cycle parking, boundary treatments, vehicular and pedestrian accesses, drainage infrastructure and connections to services / utilities, and all other associated and ancillary development and works above and below ground level, all at the junction of Bothar Stiofain & Western Distributor Road, Galway.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form;
- Planning Report –

The planning report seeks to address the Boards previous reason for refusal and now proposes a mixed-use development, which will include the Lidl store. It is submitted that the proposed anchor store will create 20-25 direct full-time jobs, with the ancillary retail uses at first floor level providing a comparable level of jobs. It is submitted that the development will enhance the retail offer in the western city environs and will provide a positive contribution to the character of the area, using a long-established vacant site and will complement the existing retail provision in the area.

The report includes a description of the development and a rationale for it. In addressing the Boards reason for refusal of the previous application, the applicant seeks to address the following issues:

- Horizontal emphasis and low single level design;
- Absence of animation to the adjoining streets;
- Impact on visual amenity and streetscape
- Absence of landmark features; and
- Form and volume of car parking.

In terms of animation, it is submitted that the southern boundary is not a street but a distributor road with a substantial landscaped boundary. The deign has been amended to deliver a landmark building which addresses the key junction at the southwestern corner of the site.

With regard to car parking, it is submitted that the subject site is not considered appropriate for undercroft parking as suggested by the Board for a number of reasons including site topography and prevalence of surface car parking in the area. The provision of unfamiliar forms of car parking would undermine the attractiveness and usability of the proposed development to potential customers.

It is submitted that the proposed development complies with National and local policy as well as the Retail Planning Guidelines and the Galway Retail Strategy. The Planning Report also sets out the detail of the retail context, traffic and transportation, landscaping and public realm, provision of public art, delivery and waste management regime and the economic benefit of the proposed development. The report also states that the proposed development can be screened out for the purposes of AA.

- Retail Impact Assessment –

The proposed development complies with the requirements of the Retail Planning Guidelines. The total net retail area of the proposed licenced discount foodstore is indicated at 1,377m² and the net convenience sales area is 90% of the net sales area at 1,240m², with the remaining 137m² devoted to ancillary comparison sales. The RIA sets out a qualitative and quantitative assessment with the established catchment area identified in Figure 2 of the document.

The report also includes details of the catchment population up to 2022 and turnover and expenditure estimates are detailed in section 3.4 and 3.5. In terms of the impact associated with the proposed development, the RIA concludes that the proposed development would not lead to significant or material retail impacts on the catchment area retail centres, or other surrounding centres.

- Services Report -

In terms of surface water, the report notes that there is no existing surface water system within the site. The proposed development will provide a new surface water collection network, collecting surface water run-off through roof gutters / downpipes and a network of gullies located around the site. The surface water will be collected in a new surface water pipe network and will be

attenuated when required. The outflow from the site will be limited by a Hydrobrake Optimum Outflow Control to the pre-development greenfield run-off rate of 5l/s/ha (as the site is 0.617ha the rate will be 3.1l/s).

In terms of foul effluent, the development will connect to the public foul sewer which is located along the western site boundary. The daily loading from the development site will be 5.100m³ per day, with a peak flow of 0.7083l/s.

The development will connect to the existing public watermain which runs along the adjacent site access road. The daily water demand for the development will be 5.200m³.

- Traffic Impact Report -

The Traffic Impact Report submitted with the application seeks to examine the traffic impact of the proposed development on the local road network including the WDR, Bothar Stiofain and the retail park western access road. The report sets on the existing conditions as well as traffic flows, cyclist and pedestrian facilities, existing public transport accessibility and services and possible future infrastructure.

The report notes that 87 car parking spaces are proposed, including 4 disabled access and 4 parent and child spaces, as well as 4 Sheffield stands, accommodating 8 cycles. The proposed development will generate 89 two-way movements during the weekday morning peak hour of 08.00-09.00, 243 two-way movements during the afternoon peak hour of 14.00-15.00 and 224 during the evening peak hour of 17.00-18.00. The 2020 opening year percentage impact on key junctions to the east and west is indicated at being generally less than 5% additional traffic on all arms with the exception of the section of the Bothar Stiofain to the north of the WDR roundabout.

The report concludes that the development access capacity analysis results demonstrate that the ratio of flow to capacity on all arms is substantially less than the 0.85 and that the proposed access junction operates within capacity including future year growth.

- 2.3. Following a request for further information, the applicant, on the 30th December 2019, submitted modifications to the proposed development to address the issues raised by the PA. these amendments include revisions to the elevation addressing the Western Distributor Road in order to enhance the level of interaction and to give

the first-floor units a presence along the WDR. The revisions to the car park resulted in the loss of three spaces, which is not considered to materially impact on the sufficiency of car parking within the overall development. It is noted that should it be determined that the stair and lift core between car parking spaces nos 11 and 12 are surplus to requirements of the Fire Officer, this area could revert to 3 parking spaces. The response to the FI request also notes that the precise detailing of landscaping specification would typically be a matter for compliance stage and the applicant is amenable to the inclusion of a condition requiring landscaping proposals to be agreed prior to commencement.

In terms of the trolley bay, the applicant submits that the proposed trolley bay is of high quality and is not comparable to traditional trolley bay structures, which often lacked any visual or other merit. It is further submitted that the positioning of the trolley bay as applied for is considered to be optimal.

The applicant also notes the PAs request to reintroduce the standalone café building proposed as part of the previous application. It is submitted that it is not feasible to address Bothar Stiofain and the internal District Centre roadway with further buildings / façades as in order to maintain the viability of the mixed-use development, a reasonable level of car parking is required.

- 2.4. Following a request for Clarification the applicant sought an Extension of Time to appropriately respond to the request. The response to the clarification request saw a redesign of the proposed development which included undercroft car parking and the location of the retail units at ground floor level. The supermarket is now proposed at first floor level. The design team met with the Transportation Section of Galway City Council to establish their requirements and to ensure that the development would not prejudice any proposed works or enhancements to the area.

The amendments have resulted in an increased gross floor area associated with the foodstore, rising from 2,154m² originally to 2,694m². The net retail sales area has also increased from 1,377m² (1,240m² net convenience) to 1,554m² (1,399m² net convenience). The 159m² increase is not considered to be a material / significant increase. The amendments have also seen an increased provision of car parking spaces from 87 to 92.

In terms of the set-back along Bothar Stiofain and the Western Distributor Road, it is noted that Bothar Stiofain is to be widened to provide cycle lanes on each side.

While the roadway will encroach into the Lidl application site boundary, it will not encroach into the Lidl site itself, rather the area of the application site which is owned by Galway City Council, for which permission for the application has been provided. With regard to the WDR, a further setback has been provided in the amended proposals. It is also noted that the proposed development will not interfere with future plans to alter the existing roundabout junction at Bothar Stiofain and WDR to a priority junction / crossroad.

The amended proposal are submitted to have also had regard to the concerns of the Transportation Section of Galway City Council in terms of pedestrian access, specifically steps to accommodate level changes, at tow of the three pedestrian access points. The amended proposals provide for 5 pedestrian access points, designed to ensure that no steps or level changes are required outside of the Lidl site. Site levels have also been adjusted to accommodate the overall proposed changes.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development, as detailed in the amended proposals submitted in response to the clarification of further information request to the Planning Authority on 24th July 2020, and subject to 17 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report does not include an Appropriate Assessment Screening Report.

A. The initial Planning Report considers that the principle of the proposed development is acceptable and accords with the zoning objectives afforded to the site. in addition, it is considered that as the proposed development falls

within a designated District Centre, the development accords with the requirements of the Retail Planning Guidelines. The report further notes satisfaction in terms of the proposed plot ratio. The report further considers the concerns raised by the Board in the previous application on the site. The Planning Officer concludes that further information is required in relation to the development in terms of the viability of the proposed first floor units, with the proposed uses as a café, barbers and nail bar, the layout of car parking, the position of the trolley bay structure and loss of the previously proposed small, detached café building which established a frontage onto Bothar Stiofain.

- B. Following the submission of a response to the FI request, as summarised above in Section 2.3 of this report, the PA sought new public notices. These notices were submitted to the PA on the 16th January 2020. The Planning Officer considered the detail submitted and note that the applicants are confident with regard to a tenant for the first-floor café which will allow for other users at this level. The Planning Officer remains concerned in terms of the length and extent of the proposed building and its relationship to the public road / real. Car parking proposals and the location of the trolley bay were accepted, and the PA notes the comments with regard to the reintroduction of the standalone café building. Clarification was sought.
- C. Following a request for Clarification the applicant sought an Extension of Time to appropriately respond to the request. This was granted and the deadline for response was extended to 24th July 2020. The amended proposals in response to the Clarification request were submitted on this date. Following the submission of a response to the clarification request, as summarised above in Section 2.4 of this report, the PA sought further public notices. These notices were submitted to the PA on the 14th August 2020.
- D. The final planning report concludes that the amended proposed development is acceptable. The conclusion of the 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 retail element would not be in competition with the city centre and would not affect the primacy of the city centre. The

Planning Officer recommends that permission be granted for the proposed development, subject to 17 conditions. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Parks Superintendent: The report raises concerns given previous experience with the applicant on a similar project in Doughiska where a detailed landscaping scheme was implemented with consultation and agreement only to be entirely removed 12 months later. A bond is required.

The report also notes a number of concerns regarding the legibility of the landscaping plan and notes that it includes planting on Galway City Council property without any request for permission to do so. Issues raised in terms of the planting palette and no detail as to how tree planting will work with proposed lighting or underground services.

The Landscape Architect includes significant detail on the Amenity Planting of GCC public roundabout which is misleading and is to be removed from any drawings. No consent was requested and is not forthcoming.

The report includes a number of conditions to be included in any decision to grant permission.

Following the submission of the response to the Further Information request, a further report was submitted from the Parks Superintendent which raised concerns that the matters raised in his original report had not been communicated to the applicant for the attention of their Landscape Architect. The architect noted that the Landscape Architectural Detail was not completed and should be addressed by way of pre-commencement condition. This is a serious issue for the Parks Department and is not an acceptable procedure. The email requests that the Planning Department do not agree to the request and that the items raised in original memo be replied to urgently.

Fire Officer: No objections to the proposed development. notes that a Fire Safety Certificate and Disabled Access Certificate are required.

Transportation and Infrastructure Department:

Following the

submission of the response to the FI request, a report was submitted from the Roads Section of the City Council. The report requires the submission of further information in relation to the Western Distributor Road scheme. This scheme will involve the widening of the existing carriageway to include Bus Lanes and off-road cycle lanes to both sides of the existing road corridor. In addition, the scheme will result in the upgrading of the existing roundabout junctions to signalised junctions, and the road improvements will result in a typical road cross section of approximately 22m.

It is noted that the proposed development will result in the siting of the main commercial unit along the existing road boundary, impacting on the inter-visibility splay requirements for the design of the signalised junctions and proposed road cross sections. In addition, the earthworks required for the proposed development encroaches onto the grass verge of the WDR, further reducing the development potential of the WDR corridor.

The report concludes requesting that the applicant consult with the Transportation and Infrastructure Department in relation to the finalisation of the site layout to facilitate the design progression of the WDR scheme.

Following the submission of the response to the clarification of further information request, the T&I Department advised no further comments. It is submitted that the applicant had made all the changes requested.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with conditions

3.2.4. Third Party Submissions

There are 2 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

RGDATA:

- Concerns raised in relation to the proliferation of planned and permitted convenience stores in suburban locations throughout Galway City in recent years. If not carefully managed, the cumulative effect of these retail

developments pose a real threat to the future vitality and viability of the City Centre and existing centres in the city.

- There is no justification of an additional Discount Foodstore to serve this part of the city.
- Issues raised in relation to the submitted Retail Impact Assessment and objector does not agree with assumptions which form the basis of the RIA, including as they relate to the choice of catchment and the exclusion of the large Convenience retail offering in Westside, 2.1km to the east of the site.
- Not convinced that the convenience net floorspace of retail centre (Table 4 of RIA) is accurate. If the accurate figures had been applied, it would demonstrate that there is insufficient need for the scale of the convenience floorspace proposed.
- The design proposed missed an opportunity to provide an active streetscape intervention along the Western Distributor Road. It is considered that the proposal fails to adequately respond to the requirements of the Ministerial Guidelines 'Urban Development and Building Heights, DoH,P&LG, December 2018'. It is considered that the development would materially contravene Policy 8.7 of the Galway City Development Plan.
- Absence of undercroft parking as advised by the Board in the previous refusal on the site.
- Inadequacy of car parking and potential for traffic hazard. The proposed development does not provide adequate car parking in accordance with requirements of Table 11.5 of the City Development Plan.
- 165 spaces are required but only 87 spaces are provided, representing a significant shortfall.
- The location of the loading bay will give rise to potential traffic hazard as lorries will have to reverse into the circulation route and customer parking.

Galway Cycling Campaign:

- While welcoming the development of the site, concern is raised that aspects of the development would negatively impact the safety of vulnerable road users, including walkers, cyclists and school children.
- Bicycle parking provision is below the recommendations in terms of quantity and design.
- It appears only steps will be provided to give access from the WDR.
- The linking of Aldi and Lidl carparks with a single entry/exist junction with the unnamed road is raised as a concern given the busy nature of the road. There should be a single vehicle entry / exit via the existing Aldi carpark.
- It has been observed that other recent developments in Knocknacarra have taken little to no account of the safety of hundreds of school children in the neighbourhood walking and cycling to school.
- Heavy construction vehicles and HGVs during school morning trips represent a particular hazard in this regard.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP-303173-18 (PA ref:18/224): The Board refused permission, following a third-party appeal, to the 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, all at the junction of Bothár Stoifáin and Western Distributore Road, Knocknacarra, Galway City. The reason for refusal was as follows:

Having regard to the prominent location of the subject site at a key junction on the Western Distributor Road, at the entry point from this Road into the designated Knocknacarra District Centre, as set out in the Galway City Development Plan 2017 – 2023, and having regard to the provisions of the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government, 2012, and accompanying Design Manual, it is considered that the proposed

development, by reason of its horizontal emphasis, its mainly single storied nature and limited height, and by reason of its overall design, with little animation to the adjoining streets, particularly a mainly continuous blank façade along the southern elevation facing the Western Distributor Road, would constitute a monolithic and poor quality of development in terms of visual amenity and streetscape, and would represent a substandard design intervention at this location, which would be contrary to these Ministerial Guidelines and in particular to the guidance set out in Section 6 of the Design Manual. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, and while accepting that the quantum of retail floorspace proposed at this location was generally justifiable in the light of the location of the site within the Knocknacarra District Centre, the planned expansion of this suburb, and in the light of the submitted retail impact assessment, the Board considered, for the reasons outlined in its order, that the design of the proposed development would not provide the necessary landmark building for such a prominent site within the District Centre, at a key junction on the Western Distributor road, and did not accept the conclusion of the Inspector that it represented a pleasing design aesthetic nor that it was appropriate to its location. Furthermore, the Board was not convinced that the requirement to provide a large amount of car parking necessitated the form of development envisaged, as suggested by the Inspector, and noted that similarly-sized supermarkets in other locations within the State have provided for, for example, undercroft car-parking below retail floorspace, and additional commercial or residential floors above such retail floorspace.

ABP Ref 243481 (PA ref 13/341): The Board upheld the Galway City Council decision to grant planning permission for an Aldi store on lands to the east of the current site.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 50% of all new housing is to be delivered within the existing built-up areas of the five cities.

5.2. Retail Planning Guidelines, DoEC&LG, 2012.

These guidelines updated the previous 2005 guidelines and highlight the economic importance of the retail sector, in terms of employment, economic activity and the vitality of Irelands cities and towns. The guidelines suggest that the development management process must support applications for retail development which are proposed on sites where it has been demonstrated that it has complied with policies and objectives of the development plan and / or relevant retail strategy.

5.3. Retail Design 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 provides that new retail development should require a more compact urban form and higher density.

5.4. Development Plan

5.4.1. The Galway City Development Plan 2017 – 2023 is the relevant policy document pertaining to the subject site.

5.4.2. Section 11.2 of the CDP deals with Land Use Zoning and the subject site is zoned objective CI. Section 11.2.6 deals with Commercial / Industrial CI Land Use Zoning Objective and Zoning Objective CI seeks “*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*".

5.4.3. 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.

5.5. Galway Retail Strategy

- 5.5.1. Chapter 6 of the development plan sets out details of the retail strategy. In terms of the city and county retail hierarchy, district centres, including Knocknacarra, are listed as Level 3. The Plan notes that Knocknacarra, a district centre to the west of the city, has experienced major growth in population in recent years and has a clear need for the benefit of retail, service retail and community facilities.
- 5.5.2. 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.

5.6. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA)(Site Code: 000268) is located approximately

1km to the south of the site and the Inner Galway Bay SPA (Site Code: 004031) is located approximately 1.4km to the south of the site.

5.7. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a third-party appeal by RGDATA against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- Particular concern is raised in terms of the need for the development given the proliferation of planned and permitted large convenience stores in suburban locations throughout Galway City in recent years. It is considered that if not managed, the cumulative effect poses a real threat to the future vitality and viability of the City Centre and existing centres in the city.
- A review of the Planning Register indicates that in the last 10 years, 11 no. new discount store applications have been proposed in suburban locations around Galway City, with Galway City Council recommending grants for all.
- The retail sector in Galway City Centre has been catastrophically affected by the Covid-19 pandemic with a huge increase in retail vacancy in the city centre. Reference is made to the recent Northern & Western Regional Assembly publication “Covid-19 Regional Economic Analysis” which identifies that “Galway City and Suburbs was likely to be the most exposed to economic disruption caused by the COVID-19 outbreak, with 46.1 per cent of its commercial units operating in the sectors likely to be worst affected, in line

with the corresponding ratio for the State as a whole". The need to safeguard the future vitality, viability and retail primacy of the city centre, couldn't be greater.

- Fundamental concerns with the principle of proposed 'out-of-centre convenience retail development. The proposed site is located 3.3km to the nearest edge of the CC-City Centre zoning which is also designated 'Core Shopping Area' for the city. The principle of proposed large scale convenience supermarkets contravenes the provisions of the RSES and the RPGs which fundamentally protect the viability, vitality and primary retail function of the city centre.
- There is a proliferation of large-scale convenience stores in the Knocknacarra / Ragoon area, including Dunnes Stores and Aldi located alongside the subject site. The 'Westside District Centre' is located c 2km to the east of the site is also served by large convenience retail units.
- Reference is also made to the concurrent Lidl application at the 'Arch Motor Site', approximately 2km to the east of the site which is on appeal to the Board¹. There is no justification for an additional large scale convenience store to serve this part of the city.
- Reference is also made to the previous Board decision to refuse permission for a Lidl store in the Western Suburbs in 2015 (PL.61.245218 refers – site located approximately 1.1km to the west of the current site). The reason for refusal noted that the Board was 'not satisfied that an adequate case has been made for the quantum or type of retail facility proposed in the context of its zoning and in the context of the proposal to provide a neighbourhood

¹ The Board will note that a decision to refuse permission issued on the 13th November 2020. The reason for refusal was as follows:

Having regard to the policies and objectives of the Galway City County Development Plan 2017-2023, the Zoning Objective CI for the site to provide for enterprise, light industry and commercial uses other than those reserved for the City Centre zone, where there is a Specific Development Objective to consider only bulky goods retailing and local retailing needs on the CI zoned lands at this location, where there is specifically no exception provided to allow for a foodstore at this location, to the Retail Strategy of the City Development Plan, the location of the site adjacent to Westside District Centre, and the nature and scale of the proposed development, it is considered that proposed development of a licensed discount foodstore supermarket on CI zoned lands located outside of the District Centre would be contrary to the zoning objective for the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

centre on lands to the South'. The current proposed development raises similar concerns.

- The appellant does not agree with many of the assumptions which formed the basis of the Retail Impact Assessment, including the choice of catchment area as it deliberately excludes the large convenience retail offering in Westside, 2km to the east of the site. If the existing Dunnes Stores and Aldi at Westside had been included in the catchment area, it would result in a dramatically reduced floorspace / capacity in the area and the proposed development would be unjustifiable.
- Other issues in terms of the RIA relate to the accuracy of the convenience net floorspace of retail centres, outlined in Table 4 of the RIA. The figures fail to take into account the permissions to extend the floor area of both the Dunnes Stores Knocknacarra, the extension to a supermarket at Shangort Road, 0.8km to the south west of the site and the PAs grant of permission for a Licenced Discount Foodstore at the 'Arch Motor Site', 2km to the east.
- The inclusion of the above would demonstrate that there is insufficient need for the proposed development. It is also noted that the RIA was not updated to take account of the increased floor area as part of the submission in response to the clarification of further information request. As such, the RIA is outdated and should not be relied upon.
- The proposed development materially contravenes a number of the Specific Development Objectives for the CI zoned lands as follows:
 - The site shall include for a minimum of residential / residential commercial development of a scale equivalent of 20% of the proportion of all likely future floorspace proposals.....

It is noted that the SHD proposal was recently refused by the Board (ABP-304618 refers) which suggests that the delivery of the required residential content within the Knocknacarra District Centre is unlikely. In these circumstances, the proposed development will do nothing to address the shortfall and is premature until the required residential content can be provided.

- Development of these lands will only be considered where it can be shown to be linked with existing development....

The proposed low density development represents an underutilisation of zoned serviced lands and a poor urban design response to the Western Distributor Road and District Centre Roadway.

- Any additional phase of development shall include for the front loaded 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 play area over and above normal open space requirements.....
Apart from small ancillary commercial units, no public / community facility is proposed as part of the development. There is no communal open space provision and no play area proposed. The development is reliant on others to provide these facilities.
- It is submitted that the development is an inefficient and unsustainable use of zoned land, contrary to the CDP.
- Such a visually prominent site requires a very high-quality urban design, streetscape and public realm intervention. Reference is made to the decision of the Board to refuse a mixed-use development 300m to the west of the subject site on the basis of urban design / visual impact given the prominent location of the site on one of the primary / gateway approaches to the City.
- Traffic hazard potential and no traffic assessment has been prepared to examine the impact of the proposed development on the capacity of the road network, in the event that a signalised junction is implemented.
- In addition, there appears to be conflicts with the proposed development on lands owned by the Council vis-à-vis works envisaged by the Council – eg, pedestrian links and location of footpaths.
- The location of the loading bay will necessitate lorries to reverse and block the internal circulation route and customer car park.
- The proposal provides for inadequate car parking in terms of the requirements of Table 11.5 of the Galway City Development Plan. There is an excessive shortfall of approximately 60%.

It is requested that permission be refused.

6.2. Applicant Response

The first party, through their agent The Planning Partnership, submitted a response to the third-party appeal. The submission is summarised as follows:

- Concerns raised that the appeal potentially relates to competition reasons. The appeal is the latest in a series of appeals by RGDATA opposing the development of a retail centre at Knocknacarra dating back over more than fifteen years.
- It is requested that the Board uphold the decision of the PA to grant permission, and the Board's own conclusions under the previous appeal. Whilst the Board refused permission in that instance, it clarified a number of matters in its decision and gave a clear pathway towards achieving planning permission for a discount foodstore anchored development on the site.
- It is also noted that the Board accepted that the quantum of retail floor space proposed was justifiable given the location of the site and the planned expansion of the suburb.
- The appellant ignores the findings of the Board and seeks to reopen matters that are effectively settled and seeks an outcome that is wholly inconsistent with a significant number of planning decisions over two decades.
- The validity of the appeal is questioned and the Board is invited to consider dismissing the appeal in accordance with Section 138(1)(a) of the Planning & Development Act.
- In terms of the suggestion that there is an unsustainable / inappropriate pattern of suburban Discount Foodstores being permitted by the PA, this is not supported by fact.
- The suggestion that Covid-19 is a justification for consolidating all retail in the core City Centre area is baseless.
- The proposed development is not an out-of-centre development. It is within a District Centre.

- In terms of the question of need, the Board has previously confirmed the acceptability of an additional convenience outlet on the subject site. In addition, the designation of the area as a District Centre removes the requirement to demonstrate a need for the floorspace.
- Notwithstanding the need to justify the retail floorspace proposed, a RIA was provided which demonstrates that there is a need for floorspace at the scale proposed.
- The proposed development is compliant and consistent with the specific objectives for the District Centre.
- The proposed development is of an appropriate density having regard to the scale of site available and prevailing densities in the area.
- The previous refusal on site was principally due to urban design and associated considerations. The current scheme achieves a significantly higher standard in terms of design and creating a streetscape along the site frontages, as sought by the Board.
- Traffic hazard issues raised in the appeal are refuted and it is noted that the proposed development was assessed in comprehensive detail by the local planning authority and its relevant transportation departments. The Board can be wholly satisfied as to the acceptability of the scheme in roads and traffic terms.
- While generating a notional shortfall of car parking, the level of parking is considered to be sufficient and in keeping with current planning priorities in terms of sustainable transport.

It is submitted that the proposed development as granted thoroughly addresses each of the issues raised in the appeal and that there is no obstacle to the granting of permission by the Board.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with Development Plan
2. Need for the Development
3. Visual Amenity
4. Roads & Traffic
5. Other Issues
6. Appropriate Assessment

7.1. Principle of the development & Compliance with Development Plan:

- 7.1.1. The subject site is located on lands zoned CI in the Galway City Development Plan 2017-2023. It is the stated objective of this zoning “*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*”. The Board will note that the subject site also comprises part of the Knocknacarra District Centre. While I acknowledge the submission of the appellant, I would accept that the proposed development is wholly acceptable in terms of the zoning objective afforded to the site.
- 7.1.2. The Board will also note the comprehensive assessment carried out by the previous inspector in relation to the concerns raised by the appellant and the assertion that the proposed development materially contravenes a number of the specific

development objectives for the CI zoned lands. I would fully concur with the previous Inspector and would accept that the proposed mixed-use development, which includes a Licenced Discount Foodstore with a net sales floor area of less than 1,500m², constitutes a retail development of a type and scale which is appropriate to the function and character of the area as envisaged under the zoning.

- 7.1.3. In addition, I would accept that the specific policy objectives referred to in the appeal submission relate to the wider CI zoned area, and not specifically to individual elements of those lands. With reference to the recent Board decision to refuse the SHD development to the north of the subject site, I would note that the refusal does not relate to the principle of the development, rather design issues and inadequate childcare places proposed. I would therefore accept that, for example, there is scope for the 20% residential element and other community facilities to be provided within other areas of the District Centre area. The Board will also note the location of the site within the wider suburb which includes extensive residential development. Indeed, the 2017 City Development Plan notes that Knocknacarra had a population of 12,000 with a zoned capacity to reach 18,000 persons, I am satisfied that the development is acceptable.
- 7.1.4. The Board will note that the appellant considers that the proposed development is an inefficient and unsustainable use of zoned land, contrary to the CDP. In addition, I note the references to the Retail Design Manual and the support for more compact urban forms. In this regard, I note the previous proposed development on the site and indeed, the Boards decision on that proposal. I also note that three different iterations of the currently proposed mixed-use development for the site were considered at various points during the PAs assessment of the development. While I will address visual amenity issues further in section 7.3 of this report, I would accept that the permitted proposed development represents increased density from the refused proposed development. I further note that the applicant has considered the prominent location of the site in the current proposal. Having regard to the nature of the proposed development, I am satisfied that car parking is a requirement which reduces the plot ratio for the site. Overall, I am generally satisfied that the development is acceptable.

7.2. Need for the Development:

- 7.2.1. The Board will note the primary issues raised in the appeal relate to the need for the additional convenience retail floorspace. The submission raises issue with the proliferation of planned and permitted large convenience stores in suburban locations throughout Galway City and the cumulative impact, and potential threat to the future vitality and viability of the City Centre and existing centres in the city. The presence of existing convenience retail on the lands adjacent to the subject site are also noted, as well as the proximity of other district centres, particularly Westside, to the subject site.
- 7.2.2. At the outset, I would not accept that the subject proposed development could be considered as an 'out-of-centre' site as suggested in the appeal. The site is identified as a District Centre and is zoned accordingly in the current Galway City Development Plan. While the District Centre is located 3.3km from the City Centre, the area of Knocknacarra suburb of Galway serves a large population. This population will generate the need for additional convenience floorspace and the most appropriate location for same, is considered to be within the identified District Centre.
- 7.2.3. In support of the proposed development, and in order to justify the proposed development, the applicant submitted a Retail Impact Assessment. I would also note the previous comments of the Board in the previous decision pertaining to the subject site in this regard. While deciding not to accept the Inspector's recommendation to grant permission for the previous proposal on the site, the Board accepted that the quantum of retail floorspace proposed at this location was generally justifiable in the light of the location of the site within the Knocknacarra District Centre, the planned expansion of this suburb, and in the light of the submitted retail impact assessment.
- 7.2.4. In acknowledging the appeal submission, and the issues raised in relation to planned and permitted retail developments in the suburbs of Galway City, I am satisfied that the Retail Impact Assessment submitted in support of the proposed development, including the catchment area identified, is acceptable, and that the need for the development has been deemed acceptable in principle.

7.3. Visual Amenity

- 7.3.1. The Board will note its previous reason for refusal on this site primarily related to the proposed design and the lack of animation to the adjoining streets. The Board considered that having regard to the prominent location of the site at a key junction onto the Western Distributor Road, the original proposal would represent a substandard design intervention, contrary to the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government, 2012, and accompanying Design Manual. The current proposal seeks to address this matter.
- 7.3.2. The Board will note that the proposed development was amended following the submission of a response to the FI request, and again following a clarification of FI request from the PA. I am generally satisfied that the final proposals, submitted to Galway County Council on the 24th July 2020 are the plans I intend to base my assessment on in terms of visual impacts and associated amenity. Of note, this iteration of the proposed development provides for undercroft car parking and the proposed café and three retail units to be located at ground floor level, fronting onto the public roads, with the proposed supermarket to be located above, at first floor level.
- 7.3.3. The proposed development will provide for the following elements within the proposed structure:
- Licenced Discount Foodstore: a net retail convenience sales area of 1,399m², and a total sales area of 1,554m².
 - Café: 186.7m²
 - Retail Unit 1: 115m²
 - Retail Unit 2: 80m²
 - Retail Unit 3: 74m²
- 7.3.4. The three Retail Units will all front onto the Western Distributor Road, while the proposed café will occupy the corner position of the building at ground floor level, with elevations onto both the WDR as well as Bothar Stiofain. The undercroft car parking will be located to the rear of the retail units and will extend to the open car

park area to the north of the building. To the east of the ground floor level, the building proposes an area of storage for the supermarket. Access to the first floor from this area is provided via stairs as well as a lift. The main access to the first-floor level will be from the Bothar Siofain elevation via a travelator, stairs and a lift. A third access to the first-floor level is located to the north eastern corner of the building.

- 7.3.5. At first floor level, the building will provide for the supermarket and associated store rooms. In addition, staff facilities – including a canteen, locker room, shower facilities and WCs - a meeting room and operations office will be provided. The plans also provide a customer WC at this level. The submitted plans indicate an extensive provision of PV panels to be fitted to the roof of the proposed building.
- 7.3.6. The proposed building will rise to an overall height of approximately 11.2m and the design, as submitted on the 24th July 2020, provides for a mix of external finishes including smooth render, natural stone, zinc standing seam cladding to the store and high-level cladding in metallic silver to the loading area. Extensive glazing will be used and in particular along the Bothar Stiofain elevation while the WDR elevation will include shopfronts and the relevant shop signage. In the context of the subject site, I am generally satisfied that the proposed development represents an appropriate standard of design intervention for this prominent site. I also consider that the proposed elevational treatments, together with the improved animation along the southern and western elevations of the building, are both appropriate and acceptable.
- 7.3.7. In terms of the public realm, I note the proposed landscaping plans for the site. In addition, I note the concerns raised by Galway City Councils Parks Superintendent in terms of the proposed landscaping plan and previous experiences with the applicant. I also note that these matters were not advised to the applicant and were therefore, not addressed during the PAs assessment of the proposed development. I note the inclusion of condition 11 in the PAs decision to grant permission for the proposed development as it relates to landscaping. I consider it unfortunate that the concerns of the Parks Superintendent were not advised to the applicant, and indeed, that the applicant did not appear to have an opportunity to address the concerns at any point in this process, particularly as the subject proposed development site includes an area of land in the ownership of Galway City Council.

7.3.8. However, I suggest that there remains an opportunity to address the concerns and should the Board be minded to grant planning permission in this instance, I recommend the inclusion of the PAs condition 11 with the following additions:

'Prior to the commencement of any development on the site, including any proposed works on lands within the ownership of Galway City Council, the applicant shall submit for the written agreement and approval of the Planning Authority and the Recreation & Amenity Department of Galway City Council, a full and comprehensive landscaping scheme for the site. This scheme shall comply with the National Pollinator Plan, shall use only indigenous deciduous trees and plant species, and 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, densities, plant sizes and settings;
- (c) details of trees to be retained on the site and their protection during construction works;
- (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;
- (e) details of appropriate ecological and management strategy for the landscaping, including proposals to obviate the need for chemical intervention;

In addition to the above,

- (f) The developer shall employ a suitably qualified Landscape Architect to engage with the Planning Authority and to oversee the implementation and certification of the approved landscaping scheme. On completion of works, the Landscape Architect shall submit a report certifying the works undertaken.

- (g) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (h) Prior to the commencement of any development on the site the details of access and accommodation regarding the new pedestrian access that crosses the Western Distributor Road shall be submitted for the written agreement of the Planning Authority, including proposals to protect the existing Galway City planting.

The boundary treatment and landscaping works shall be carried out in accordance with the agreed scheme, and the development shall not be occupied prior to the satisfactory completion of the landscaping works. No alterations to the agreed and implemented scheme shall be carried out without agreement with the Planning Authority and the Galway City Council Parks Superintendent.

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

7.3.9. I consider the above condition important not only in terms of landscaping, but also in terms of the visual amenity of the area. I note that the Parks Superintendent also requested that a bond to the value of €100,000 be included in any grant of permission, for a period of five years post issue of first certificate of completion by the Landscape Architect. This is requested due to previous actions by the applicant to remove an agreed and implemented scheme within 12 months of its completion at a separate location. Given that the proposed development site includes areas of publicly owned land, together with the prominent location of the site, I consider that this request for a Bond is not unreasonable. Should the Board be minded to grant permission in this instance, I recommend that a bond condition be included.

7.3.10. The Board will also note the proposal to provide a piece of art work at the north western corner of the site. The visual aids submitted suggest that the area will include public seating and planting which are acceptable. I have no objection to the proposed development in terms of visual amenity.

7.4. Roads & Traffic

- 7.4.1. The applicant submitted a Traffic Impact Report with the planning application. I note that the appellant raises concern in terms of traffic hazard potential arising due to the proposed development and suggests that no traffic assessment has been prepared to examine the impact of the development on the capacity of the road network in the event of a signalised junction being implemented.
- 7.4.2. The Western Distributor Road Scheme, as advised by the T&I Department of Galway City Council, will involve the widening of the existing carriageway to include Bus Lanes and off-road cycle lanes to both sides of the existing road corridor. In addition, the Scheme will result in the upgrading of the existing roundabout junctions to signalised junctions, and the road improvements will result in a typical road cross section of approximately 22m. The original development proposals for the subject site would have resulted in the main commercial unit being located along the existing road boundary. The Transportation & Infrastructure Department of Galway City Council considered that this would impact on the inter-visibility splay requirements for the proposed signalised junctions and proposed road cross sections. In addition, the earthworks required for the development encroached onto the grass verge of the WDR, reducing the development potential of the WDR corridor.
- 7.4.3. Following consultation with the T&I Department, the applicant submits that the proposed development, as amended having regard to the proposed widening of the WDR and the signalisation of the existing roundabout, has been future proofed against these potential future changes. The Transportation & Infrastructure Department of Galway City Council would appear to agree and have raised no further concerns with the proposed development in this regard.
- 7.4.4. The proposed development will generate 89 two-way movements during the weekday morning peak hour of 08.00-09.00, 243 two-way movements during the afternoon peak hour of 14.00-15.00 and 224 during the evening peak hour of 17.00-18.00. The 2020 opening year percentage impact on key junctions to the east and west is indicated at being generally less than 5% additional traffic on all arms with the exception of the section of the Bothar Stiofain to the north of the WDR roundabout. The Traffic Impact Report concludes that the development access capacity analysis results demonstrate that the ratio of flow to capacity on all arms is

substantially less than the 0.85 and that the proposed access junction operates within capacity including future year growth. I note that the Planning Authority raised no objections to the proposed development in this regard.

- 7.4.5. In terms of car parking, Table 11.5 of the Galway City Development Plan sets out the car parking requirements for various types of developments. In terms of supermarkets and shops, the plan requires 1 car parking space per 15m² of gross floor area. The proposed gross floor area of the amended development is 3,405m² and as such, a total of 227 car parking spaces would be required to serve the proposed Lidl store, if the stated limit was strictly applied. The appellant has included these figures in the third-party appeal and considers that the proposed shortfall of approximately 60% of car parking spaces proposed is excessive.
- 7.4.6. The Board will note that the applicant has argued that the applicant considers that the parking demand would be more appropriately calculated on the basis of the proposed uses, and their potential for shared trips, dual usage, etc. It is submitted that the 'net' areas amount to c1,950m², which would suggest a significantly lesser requirement of 130 parking spaces. If a more sustainable rate of 1 space per 20m² of the total 'net' retail area was applied, the requirement would be 97 spaces. It is also noted that the Planning Authority has accepted this assessment.
- 7.4.7. I have considered this issue while having regard to the previous Inspectors report and the Board Decision relating to the site. I would concur with the previous Inspector that having undertaken a site inspection, a large extent of the adjacent Aldi car park was empty. I would agree that given the location of the subject site within a District Centre, as well as the proximity of the site to a large residential population catchment and the presence of a number of bus routes in the vicinity, the demand for parking spaces is likely to be reduced. I also note the direct pedestrian links between the site and the adjacent residential areas which will encourage walking to the shop.
- 7.4.8. In addition, Section 11.10.3 of the City Development Plan requires a minimum of 1 cycle stand per 20 car spaces or over to be provide. The proposed development provides 7 cycle stands in proximity to the entrance of the building in accordance with the development plan requirements. I would consider that there is scope to provide additional cycle stands within the site should the Board consider it necessary.

7.4.9. Overall, I am satisfied that the proposed development is an acceptable form of development in terms of roads and traffic and that adequate car parking is proposed to serve the proposed mixed-use development.

7.5. **Other Issues**

7.5.1. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.6. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the Galway Bay Complex SAC (&pNHA)(Site Code: 000268) is located approximately 1km to the south of the site and the Inner Galway Bay SPA (Site Code: 004031) is located approximately 1.4km to the south of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 **Recommendation**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Galway City Development Plan 2017-2023, the CI zoning objective afforded to the site and to the layout and design as submitted to the Planning Authority on the 24th July 2020, the Board considered that, subject to compliance with the conditions set out below, the proposed development 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.

10.0 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 further plans and particulars submitted on the 30th day of December 2019 and 24th day of July 2020, 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. The permitted scheme is in accordance with the plans and particulars submitted on the 24th day of July 2020.

Reason: In the interest of clarity.

2. Prior to the commencement of any development on the site, the exact position of the proposed building on the site, having regard to the protection corridor for future developments along the Western Distributor Road, shall be agreed in writing with the Planning Authority.

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

3. Prior to the commencement of any development on the site, including any proposed works on lands within the ownership of Galway City Council, the applicant shall submit for the written agreement and approval of the Planning Authority and the Recreation & Amenity Department of Galway City Council, a full and comprehensive landscaping scheme for the site. This scheme shall comply with the National Pollinator Plan, shall use only indigenous deciduous trees and plant species, and 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, densities, plant sizes and settings;
- (c) details of trees to be retained on the site and their protection during construction works;
- (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;
- (e) details of appropriate ecological and management strategy for the landscaping, including proposals to obviate the need for chemical intervention;

In addition to the above,

- (f) The developer shall employ a suitably qualified Landscape Architect to engage with the Planning Authority and to oversee the implementation and certification of the approved landscaping scheme. On completion of works, the Landscape Architect shall submit a report certifying the works undertaken.
- (g) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the

development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (h) Prior to the commencement of any development on the site the details of access and accommodation regarding the new pedestrian access that crosses the Western Distributor Road shall be submitted for the written agreement of the Planning Authority, including proposals to protect the existing Galway City planting.

The boundary treatment and landscaping works shall be carried out in accordance with the agreed scheme, and the development shall not be occupied prior to the satisfactory completion of the landscaping works. No alterations to the agreed and implemented scheme shall be carried out without agreement with the Planning Authority and the Galway City Council Parks Superintendent.

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

- 4. 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.

- 5. Details including samples of all the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 6. a) No amalgamation of units or subdivision of any unit shall take place without a prior grant of planning permission.

- b) Details of the opening times of the retail units and café shall be agreed in writing with the planning authority prior to the commencement of development.
- c) Prior to occupation of the retail units, the developer shall submit in writing for the agreement of the Planning Authority, details of the nature of the activities to be carried out in each unit
- d) All loading and unloading facilities for the café and retail units within the development shall take place entirely within the confined of the car parking area / service yard and shall not occur on the public road.
- e) Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development, and in the interest of protecting the vitality and viability of Galway City Centre.

7. 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.

8. 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.

9. All signage details associated with the development 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.

10. 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.

11. Site development and building works shall be carried out only between the hours of 0800 - 1800 hours Monday to Friday and between 0900 - 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, landscaping and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

A. Considine

Planning Inspector

12th January 2021