

ABP 311928-21 Inspector's Report

Development	Demolition of Nos 183-185 and extensions to 187/189 Salthill Road Upper (Seapoint) Construction of three storey mixed use leisure centre and apartments building and four storey retail, café and apartment building, construction of staircase and ancillary space to Seapoint building and ancillary works and services. 183-185 and 187-189 (Seapoint)
	Salthill Rd Upper, Salthill, Galway.
Planning Authority	Galway City Council
P. A. Reg. Ref.	21/275
Applicant	Oldside Enterprises Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First X Refusal
Appellant	Oldside Enterprises Ltd.
Date of Inspection	21st February, 2022.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 2,310 square metres and is at a prominent location at the southwestern end of Salthill Road Upper and Quincentennial Drive along the eastern boundary. The Salthill Promenade on the opposite side of the R336 which is overlooked from the Seapoint building and is to the southeast the Aquarium building extends from east to west on to the south, along the shore. The existing building (Seapoint) was constructed circa 1949 for use as a ballroom and restaurant and at present is in use at ground floor level as a gaming arcade with the upper floors have been in various uses. It has a design and form reflective of the art deco style of the earlier decades of the twentieth century. The existing building at No 183 is an three-storey building part of which is an original nineteenth century structure and with an extension to the rear. It has frontage onto Salthill Road Upper and at the rear and Quincentennial Drive.
- 1.2. The area, at the centre of Salthill Village is characterised by a broad mix of structures ranging from nineteenth century two storey houses to commercial buildings in uses serving the local community and associated with holiday resort and multi storey apartment blocks many of which are in use as holiday accommodation. The total stated floor area of the existing buildings is 3,354 square metres.

2.0 **Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for:
 - Demolition (in entirety) of the existing structures at Nos 183 and 185 Salthill Road Upper. (Three storey building and four storey apartment building at the rear.)
 - Demolition of the single storey extension to the Seapoint Building at Nos 187 and 189 which is a flat roofed Annex structure overlooking the promenade.
 - Minor internal and external alterations and renovations to the Seapoint Building at Nos 187 and 189.
 - Construction of a mixed three storey flat roof building to match the parapet of the Seapoint building and ridge heights of buildings on the north side for

leisure centre/gaming use at ground and first floor levels and residential use in seven units at second floor level at Nos 183-185.

- Construction of a mixed four storey flat roof building at south side of the Seapoint building with retail use at ground level, café use incorporating outdoor seating and first floor level and a five-bedroom duplex apartment.
- Construction of a three-storey staircase and lift and ancillary accommodation on the east side of the Seapoint building for access and egress purposes.
- Ancillary site works, services, plant and maintenance areas, connections and access to public services.
- 2.2. The total stated floor area to be demolished is 1,414 square metres in floor area. The floor area of the existing development and proposed (new build) development combined is 4,636 square metres, (an increase of 1,282 square metres) from the existing retained floor area of 3,354 square metres to 4,636 square metres in total. Works are to take place within space amounting to 2,687 square metres in the existing buildings.
- 2.3. The application includes:
 - a structural report based on inspections for the historic element of No 183
 Salthill Road Upper in which it is concluded that demolition is warranted with the replacement new dwellings having a reduced energy demand and greater and improved drainage, ventilation and safety and disability facilities.
 - Structural report on the existing apartments and leisure /arcade facilities
 - An existing building report visual inspection.
 - A site-specific flood risk assessment report in which the site is identified as being within Flood Zone C with no requirement for a justification test, having regard to the statutory Flood risk management guidelines issued in 2009. The proposed finished floor level allows for a freeboard of 0.42 m to address projected future sea level rise estimated at 500 mm in 2100 it being concluded in the assessment that the proposed development would not give rise to flooding risk.
 - Foul and surface water and water supply report,

- Architect's design statement
- A planning statement prepared by the applicant's agent.
- An appropriate assessment screening report.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 19th October, 2021 the planning authority decided to refuse permission for the proposed development based on six reasons.

In brief, they are:

- Poor contextual reference and coherence in scale and design adversely affecting the Seapoint building and the character of the surrounding built environment and public realm amenity areas.
- Negative impact of demolition and loss of historic element of No 183 and its impact on character and streetscape. Diminution of capacity to achieve vibrancy and animated frontage and social interaction in the streetscape due to domination n of the frontage and intensification of existing ground and first floor uses.
- Failure to enhance the public realm due to design layout and arrangements on the south and western elements.
- The development is contrary to section 10.3 of the CDP seeking high quality design with regard to the distinctive character of Salthill as an urban village and coastal amenity area for the city. (Reasons 1, 2, 4 and 5)
- Excessive plot ratio at 2.01:1 the maximum for the C1 zone for new development permissible being 1.75:1 according to section 11.7.1 of the CDP. (Reason 3)
- Deficiencies in the descriptions on the statutory notices.

3.2. Reports

3.2.1. The report of the **Transportation Department** indicates a recommendation for an additional information request and notes lack of carparking provision for the proposed development. It is indicated that under provision having regard to CDP standards may be open to consideration if a mobility management plan is submitted for assessment along with details of modes of transport and the entrance arrangements and arrangements for deliveries appropriate to the scale of the development.

Also recommended a requirement for preparation of a mobility management plan, a request for the applicant to respond to the opportunity to resolve some issues relating to pedestrian use on Quincentennial Drive and to submit proposals, (in consultation with the transportation department, (for a lighting scheme to take account of the public lighting available within the vicinity.

Conditions for inclusion inf permits granted are also provided the report.

- 3.2.2. The report of the **Drainage Division** indicates no objection subject to standard conditions.
- 3.2.3. The report of Irish Water indicates no objection subject to standard conditions
- 3.2.4. The report of the **Building Control Section** indicates no objection subject to standard conditions
- 3.2.5. The report of the **Environmental Health Officer** indicates no objection subject to standard conditions
- 3.2.6. The report on **Waste Management** indicates no objection subject to standard conditions.
- 3.2.7. The report of the **Climate Change and Environment Section** indicates no objection subject to standard conditions
- 3.2.8. The **Planning Officer** in his report notes the zoning objective and extent and use mix in surrounding development and considers the mixed-use development proposal in nature and intensity to be acceptable in principle. However, he states that the historic building at No 183 is of merit in contributing to the distinctive character of the village as part of the heritage and he notes dimensions, proportions and appearance

in this regard. Its removal in his view is not justified in the current proposal and it should be retained. He does not indicate objection to demolition of No185 or the other structures for demolition.

With regard to the plot ratio, he notes the existing plot ratio in the range of 1.45:1 or 1.51:1 and the resultant increase to a plot ratio fifteen to eighteen per cent above the indicative permitted range of 1.75.1. He claims the increase is indicative of excessive scale of development according to the planning officer and refusal is recommended because it is in material contravention of the development management standards in the CDP.

He states that the is an unattractive architectural resolution of a bulky nature and lacking aesthetic merit lack in unity in design or respect to the context and that there is scope for improvements to the north and eastern presentation which is a particular concern to him given the prominent location and that the is dominance of use along an extensive length of the street frontage.

3.3. Third Party Observations

3.3.1. Observer submissions indicate concerns as to adequacy of description in the statutory notices, lack of clarity with regard to the opposed uses, gaming areas not being specified but being extensive. Lack of justification for demolition of historic building, excessive plot ratio, lack of communal open space and parking, potential noise and inappropriate design and mass, Seapoint being described as landmark. noise, substandard attainable residential amenity, lack of permeability lack of cycle parking.

4.0 **Planning History**

4.1.1. P. A. Reg. Ref.95/521: Permission was granted for the extension to No 183 Salthill Road Upper. Under P. A. Reg. Ref. 096/685 Permission was granted for change of use and adaption of public house use at the ground level to a retail unit. Under A. Reg. Ref. 13/278 Permission was granted for an extension to the retail unit along with alterations. Under P. A. Reg. Ref. 17/112 Permission was granted for conversion of the ground floor to a gaming area with a link to the Seapoint building.

- 4.1.2. Under P. A. Reg. Ref. 18/379: Permission was granted for removal of the chimney breast and erection of a glazed fronted lift to the south elevation for No 183 Salthill Road Upper. Subsequently, under P. A. Reg. Ref. 21/89 Permission was granted for revisions to the lift shaft to full glazing with a point pitched glazed roof, partial demolition of the singles storey structure to the south elevation for the extent of the glazed roof structure.
- 4.1.3. Under P. A. Reg. Ref. 16/52: Permission was granted for a single storey flat roof extension at the rear of the Seapoint Building.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway City Development Plan, 2017-2023 according to which the site is subject to the zoning objective C1: "To provide for enterprise, light industry and commercial uses other than those reserved for the CC zone". The location is within the "Established Suburbs" the provisions for which are set out in section 2.6. There is recognition of potential for additional residential development subject to a suitable and compatible standard taking the proportions, character and amenities of existing development into account.
- 5.1.2. Section 2.6 recognises potential for additional residential development if it does not adversely affect the character of the area. Demolition of existing dwellings for higher density apartment development is not an acceptable but with the exception being/ in undeveloped or newly zoned lands or on main distributor roads subject to various criteria.
- 5.1.3. Section 8.7 provides for reinforcement of the distinctive character of the city by way of a high standard in the built environment through urban design good place making ensuring a high-quality built environment and creation of sustainable neighbourhoods.
- 5.1.4. According to section 10.3 the planning authority seeks to extend and strengthen Salthill as an urban village and recreational and coastal amenity area with encouragement of high-quality mixed-use development and improvement to the

public realm and discouragement of uses that leads to deterioration of the amenity and urban village status.

5.2. Strategic Guidance.

5.3. The relevant strategic guidelines issued under Section 28 of the Planning and Development Act, 2000 as amended are:

"Sustainable Residential Development in Urban Areas" (2009") and the accompanying, "Urban Design Manual, 2009". (SUD Guidelines) Sustainable Urban Housing Design Standards for New Apartments, 2020, (Apartment Guidelines) (Updated from 2018.) Urban Development and Building Heights: Guidelines for Planning Authorities," 2018. (Urban and Building Height Guidelines) 'Design Manual for Urban Roads and Streets' 2012 (DMURS)

6.0 The Appeal

- 6.1.1. An appeal was received from the applicant's agent on 12th November, 2021 and the submission includes a separate statement by the applicant's architect, along with appendices containing qualitative and quantitative information and revised drawings indicating revisions for an alternative option. According to the statement by the applicant's architect the applicant submits that the original proposal lodged with the planning authority is the preferred option. The revised drawings for the alternative option are provided for consideration if the original proposal is unacceptable in which the original building at No 183 is retained, the design of the elevation to Salthill Road is redesigned, revisions to the apartment floor plans and cycle storage is included.
- 6.1.2. According to the appeal: -
 - Demolition of the existing buildings is warranted due to inefficient use of the site and substandard internal space to the existing structure. Space is unusable with the introduction of HVAC systems, and upgrades to and replacement of machines and equipment, necessary regulation of fire escape from the upper floors a part of the refurbishment and an opportunity would arise for achievement of a new and facade onto Quincentennial Drive.

- The materials for the south and east elevations which are not of architectural merit are not too diverse but do add interest to the area overlooked. The existing blank walls are not worthy of attention and these side and rear elevations were not intended to be of elevational value. The adjoining open spaces will be enhanced by the proposed frontage. The front façade to Salthill is of merit and is the most significant element of the building.
- The Seapoint building, inclusive of the façade to Salthill is fully retained and is not being redeveloped. The façade of the building is the feature of interest and merit, and it is unaffected by the recessed extension on the south side.
- There is unity and continuity of materials, detailing and geometric expression in the design. The elevation relates to roof and eaves lines of adjoining buildings and the facades have visual interest at street level. The west, (Salthill Rd) elevation is the primary elevation which with inclusion of No 183 is in keeping in scale and it follows the established plot width. The setback and glazed shopfront style façade is of visual interest and a functional protected space within the public realm and provides good animation and an interface through views to the interior as well as through clear glazing to be fitted to the existing windows.
- Ramping is essential given the flood risk and 800 mm difference in level between east and west. A ramped access, facilitating disability access to raised terraces is proposed.
- It is not clear why the planning authority is not satisfied with the design elements addressing the public realm is enhanced in the proposal providing for sea views by the balconies for the café and leisure centre animating the façade and providing for shelter in overhangs.
- 6.1.3. The submission also includes figures for the existing and proposed development for the uses in which it is indicated that the new build floor area is 1,171 square metres and that the total floor area would increase from 3,502 square metres to 4,673 in the proposed development. The site coverage increases from 70.3% to 80.8%, plot ratio from 1.52 to 1.02 and footprint from 1,624 square metres to 1,866 square metres.

6.2. Planning Authority Response

6.2.1. There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issue central to the determination of the decision are considered below under the following subheadings:

Demolition. Design, Scale and Form Nature of Use Flooding Risk Environmental Impact Assessment Screening Appropriate Assessment Screening.

7.2. **Demolition**

7.2.1. There is no objection in principle to the proposed demolition of No 185 Salthill Road Upper and all extensions constructed since the 1980s. However, it is agreed with the planning officer that demolition of the historic structure at No 183 Upper Salthill Road cannot be justified, notwithstanding the case made as to limitations on viability of the overall development if it is to be retained. Both in planform and in so far as the structure is intact in fabric, and form, it is a pivotal feature of historical merit alone and in its context at the end of the group of terraced buildings along Salthill Road Upper which contribute to the architectural character and visual amenities of the bult environment at this prominent location. It is acknowledged that No 183 Salthill Road Upper is not subject to statutory protection by way of inclusion on the record of protected structures or a statutory architectural conservation area, but it should be borne in mind that lack of such designation and protection, does not justify demolition.

- 7.2.2. The case made in the appeal as to the inefficiencies in the performance if the existing buildings, having regard to TGD standards are noted and appreciated but it is not accepted that an acceptable solution is represented in the current proposal.
- 7.2.3. The unacceptability indicated in section 2.6 of the CDP of demolition of dwellings to facilitate higher density apartment development other than in specified exceptional circumstances which are not applicable is of note in this regard.

7.3. Design, Scale and Form

- 7.3.1. The design for the substantive redevelopment and enlargement proposals for of the original Seapoint building, follows the 'art deco' style of the early twentieth century which features in the design of the original Seapoint building constructed in 1949. Overall and in principle this is considered an acceptable and appropriate design solution. Furthermore, it allows for continuity in the recognisable overall is an acceptable design solution.
- 7.3.2. However, the east and south elevations would have a cluttered effect having regard to the various projecting elements in various forms and size thus negatively impacting on the original design characteristics intended to be reflected in the proposed development. The design theme; following on from the 'art deco' style of the original is disguised and somewhat smothered whereas it has survived in the original building through the decades. This impact at this highly visually prominent, as is the case with the existing building is unacceptable, particularly in that the increased mass and height of the redevelopment exacerbates the visual impact. A greater homogeneity or continuity is also necessary in the glazing, openings, solid to void proportions in addition to the design and form for the south and east elevations is warranted to render the redevelopment more acceptable and reflective of its original design characteristics. The statement by the planning officer, that the outcome in terms of the design and form is associated with the multiplicity of proposed uses for the building is noted in this regard.
- 7.3.3. As such, the concerns of the planning authority as to failure to satisfy the policies and objectives within sections 8.7 and 10.3 of the CDP with regard to quality in design quality and enhancement character of the building environment in the urban village of Salthill. The presentation for the replacement structure for Nos 183 and

185 (aside from the objection to the proposed demolition of No 183 Salthill Road Upper), gives rise to concern as to the horizontal emphasis in the façade and in the continuous glazing in conjunction with the height notwithstanding setbacks. As such this new build is considered over dominant and incompatible as an insertion between the Seapoint building and the three storey buildings in the streetscape. While the Revised option included with the appeal provides for the retention of the existing structure at No 183 Upper Salthill Road (with alterations) is warranted the concerns as to the unacceptability as in insertion into the streetscape of the proposed replacement structure, at No 185 Upper Salthill Road would not be overcome and still apply.

- 7.3.4. With regard to the adjacent public realm and to the adjacent green space to the south side, about which the planning authority has indicated concerns as to the inadequacy of the proposed development it is agreed that there is potential for passive surveillance, which is absent in the existing development, having regard to the proposed uses. However, it appears that there is greater potential for linkage and connectivity having regard to the City Councils proposals for upgrades to the green spaces and amenities, along the coastline and to its Public Realm Strategy. The availability of observations and recommendations of the City Council's Parks Recreational and Amenities Section would have been beneficial in this regard.
- 7.3.5. It is also noted that the Transportation Department in his report has highlighted the opportunity for resolution of issues relating to pedestrian use on Quincentennial Drive through to the Promenade to be addressed in proposals for redevelopment.

7.4. Nature of Use

- 7.4.1. With regard to the nature of use, while it is noted that the 'C' zoning objective provides primarily for *enterprise, light industry and commercial uses.* The 'Established Suburbs' provides primarily for mature residential areas and associated uses according to section 2.6 of the CDP The proposed mix of uses which include several apartments is considered to be consistent both these provisions in the CDP.
- 7.4.2. However, as has been pointed out in the planning authority assessment, the precise nature of use/occupancy for the proposed apartments was not disclosed in the original application. These details are material to consideration of the residential

qualitative standards of accommodation No details have been provided in the appeal. Salthill is a holiday resort, and it is considered that the nature of occupancy would be a relevant issue for consideration in determining the application so as to provide for consideration as to any relevance, to, for example, the enhancement of the village of Salthill. In the event of possible favourable consideration, information could be requested from the applicant by way of a section 132 notification or appropriate conditions could be attached.

- 7.4.3. It is noted that the increases in plot ratio in the current exceeds the maximum provided for in the CDP and it is considered that this is indicative of overdevelopment in the case of the current proposal having regard to the issues of concern discussed in in respect of 'Design, Scale and Form' in the subsection 8.3 above.
- 7.4.4. There is no outright objection to intensification of use in principle in that it is considered that some flexibility might be reasonable if it can be established that a development proposal is of such high quality that it significantly enhances the quality and amenities of the receiving urban environment in accordance with the CDP and the interests of proper planning and sustainable development.

7.5. Flooding,

7.5.1. The location for the proposed replacement and extended development is within Flood zone C, east of an area in Flood zone B and nearest corner of the footprint is thirty-five metres from the shoreline. The submitted flood risk assessment report, prepared in accordance with the guidance within that statutory Flood Risk Management Guidelines, 2009 and in which coastal and groundwater flooding risk was examined in detail has been reviewed. It is considered that the assessment satisfactorily demonstrates that the proposed development, which is designed, with finished levels whereby it is established that no adverse effects on flooding risk, flood protection works and the access to the waters in Galway Bay would occur.

7.6. Environmental Impact Assessment Screening.

7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment Screening.

- 7.7.1. An appropriate assessment screening report was included within the further information submission at the request of the planning authority. It has been consulted for screening purposes.
- 7.7.2. The site, which is 2,310 square metres in size, is in Salthill on the north side of the R336, Coastal Road beside the promenade and Galway Bay to the west side of Galway city centre. It is underlain by granite and igneous rocks and is a fully serviced developed urban site comprising four plots at the southwestern end of the Nos 183-189 (odds) of Salthill Road Upper. On it is the three storey Seapoint building at Nos 187 and 189 which has been extended, a smaller building in leisure centre use on the adjoining plot at No 185 all of which have frontage onto Salthill Road Upper and, at onto Quincentennial Drive. The fourth plot at No 183 is that of a three-storey house dating from the nineteenth century on with frontage onto Salthill Road Upper.
- 7.7.3. The site location is partially inside the boundary of the Galway Bay SAC (000268) for which the qualifying interests are several habitats and *Phoca vitulina* and *lutra*. It is circa fifty metres from the boundary of the Inner Galway Bay SPA (004031) for which the qualifying species are several Annex 1 bird spaces. Management plans have been prepared for both the Galway Bay SAC and for the Inner Galway Bay SPA sites, with habitats and species being accustomed to urban generated anthropogenic activities. There is weak and indirect hydrological connection to these two sites by way of surface water that would emanate from the development site.
- 7.7.4. There are eight other European sites within the fifteen kilometres distance of the site location. These sites can be screened out due to absence of connectivity and due to distance from the site location including ranges of foraging habitats for the Lesser Horseshoe bat or other significant factors relevant for qualifying species or conservation objectives

- 7.7.5. The threats that could affect the Galway Bay SAC and for the Inner Galway Bay SPA which includes discharges of polluted waters and impacts from urbanised areas/human habitation.
- 7.7.6. The project comprises some demolition of existing structures, alterations and new build providing for a mixed-use development replacing the existing development on the site.
- 7.7.7. Potential source pathway connectivity is that of dust emissions, water discharge during construction stage and foul and surface water discharge at operational stage.
- 7.7.8. Construction dust emissions attributable to the project would amount to a marginal increase during the construction stage lasting about six months, but these emissions would be managed through arrangements consistent with good practice as provided for in a demolition and construction management plan.
- 7.7.9. The development would not lead to increased coastal or ground water flooding risk due to the location outside any areas of flooding risk, raised finished floor levels providing for incorporation of a freeboard allowance, and connection to existing public infrastructure comprising separate foul and surface water systems for collection, treatment and disposal.
- 7.7.10. The limited size and intensity of this urban project, both in its construction stage and the subsequent operational stage would not affect the European sites in that all foul and stormwater, and dust emissions will be controlled and managed through the proposed arrangements for collection decontamination and disposal of waters and control of dust in accordance with good construction practice. At operational stage foul and surface water are to be collected and disposed of separately to surface and foul sewer and surface water network serving the area in which there is sufficient capacity.
- 7.7.11. The project by itself and, in combination with other plans and existing and permitted projects within the vicinity would have no significant impacts on European sites.
- 7.7.12. Having regard to the location of the site, which is to be redeveloped, is on serviced land in an urban area and, to the scale and to the nature of the proposed development no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

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8.0 Recommendation

8.1. In view of the forgoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations. (In addition, if it is agreed that permission should be refused, the inclusion of an additional advisory note on the Board's Order is recommended should it be considered that demolition of the existing structure at No 183 Salthill Road Upper, as indicated in the original application submission to the planning authority is unacceptable. A draft advisory note is included below)

9.0 **Reasons and Considerations**

Having regard to the site location at a highly prominent location within the public realm at Salthill and adjacent to the promenade and to the Galway City Development Plan, 2017-2023 according to which: -

- the site location is within an area designated as the "Established Suburbs" in respect of which new development should not adversely affect the character of the area as set out in section 2.6.
- to Section 8.7 therein providing for reinforcement of the distinctive character of the city by way of a high standard in the built environment through urban design good place making ensuring a high-quality built environment and,
- to section 10.3 therein according to which the planning authority in seeks to enhance the role of Salthill as an urban village, leisure, recreation and coastal amenity area and to ensure high quality of design new developments which have regard to the distinctive character of Salthill with encouragement of highquality mixed-use development and improvement to the public realm and discouragement of uses that leads to deterioration of the amenity and urban village status.

it is considered that the proposed development constitutes visually obtrusive and incongruous and overhearing substandard overdevelopment having regard to the heights, scale, mass and form and to the extent and diverse sizes and range of projecting and setback elements and openings to the west and south elevations and continuous horizontal emphasis and glazing in the new build adjacent to No 183 Upper Salthill Road and the adjoining properties. The proposed development would therefore fail to achieve high quality design, to respect the distinctive character of the adjoining properties Upper Salthill Road in the village of Salthill and to contribute to improvements to the public realm at a high profile and visually prominent location. be contrary to sections 2.6, 8.7 and 10.3 of the Galway City Development Plan, 2017-2023 and to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector 4th March, 2022.

Note. The Board agrees with the planning authority that the demolition of the existing structure at No 183 Salthill Road Upper is unacceptable but has noted that retention is indicated in the revised design included with the appeal.