



An  
Bord  
Pleanála

## Inspector's Report ABP 311977-21

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<b>Development</b>	Retention (for two years from 29th August, 2020) for use of site as carpark for public use including advertising, pay and display and height restriction barriers.
<b>Location</b>	Former Esso Garage, Townparks, Headford Road, Galway.
<b>Planning Authority</b>	Galway City Council,
<b>P. A. Reg. Ref.</b>	21/280
<b>Applicant</b>	Cleverson Ltd.
<b>Type of Application</b>	Permission for Retention
<b>Decision</b>	Refuse Permission for Retention.
<b>Type of Appeal</b>	First x Refusal
<b>Appellant</b>	Cleverson Ltd.
<b>Date of Site Inspection</b>	21 <sup>st</sup> February, 2022.
<b>Inspector</b>	Jane Dennehy

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## **1.0 Site Location and Description**

1.1. The application site, formerly that of a garage has been in use as surface carpark operated on a commercial basis since 2013 and at present it has fifty-three spaces. It is located on the west side of Headford Road onto which there is vehicular access, to the east of Dyke Road, and between the edge of the city centre and the Corrib. It is surrounded by extensive surface carparking to the north, east and south. To the east side of the Headford Road there is commercial and retail development including Lidl and Tesco stores also served by customer parking. All the carparks, opposite LIDL and important roads and Dyke Road and city.

## **2.0 Proposed Development**

- The application lodged with the planning authority indicates proposals for retention, for two years (from 29th August, 2020 until 29<sup>th</sup> August,202) for use of site as fifty-three space carpark for public use, including advertising, pay and display and height restriction barriers.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 22<sup>nd</sup> October, 2022 the planning authority decided to refuse permission for retention based on three reasons:

- Conflict with the GTS as adopted in the CDP's transport strategy, and specifically – Section 3.4 providing for reduction in parking provision within the city centre and encouragement of increased use of sustainable transport options.
- Exacerbation of poor visual presentation on the Headford Road and conflict with the regeneration objectives as provided for in Section 10.2.4 of CDP and public realm standards
- Poor precedent for similar development on brownfield sites which is contrary to the NPF, CDP and GTS.

### 3.2. Planning Authority Reports

- 3.2.1. The report of the Transportation Department indicates a recommendation for refusal of permission for retention in that the proposed development is contrary to the GTS, namely section 4.6 therein and to section 3.5 of the CDP.
- 3.2.2. In a submission from An Taisce (prescribed body) it is stated that there is concern as to delay to construction of the permitted development under P. A. Reg. Ref. 20/184.
- 3.3. The report of the Planning Officer indicates a recommendation for refusal of permission for retention. He notes that a further grant of permission for a two-year period would result in authorisation of the temporary carpark for a ten-year period. indicates that parking which is open to consideration under the zoning objective is intended to be associated with and limited to a development and supported by sustainable transport modes whereas the current proposal is for commercial parking for which there is no such identification of the site as a suitable location. Reference is made to section 3.4 of the CDP in which the GTS policy for removal of non-essential traffic from the centre of the city in favour of transfer to public transport, cycling and pedestrian options.

### 4.0 Planning History

**P. A. Reg. Ref. 13/221 (PL 242577):** The planning authority decision to refuse permission for retention of a carpark (44 spaces) for public use along with signage pay and display unit and height restriction barriers was overturned following appeal and permission was granted for two years by order on 21<sup>st</sup> February 2014.

**P. A. Reg. Ref. 17/267:** Permission for retention of a carpark (55 spaces) for public use along with signage pay and display unit and height restriction barriers was granted for a five-year period. Permission was also granted on 3<sup>rd</sup> September, for retention for a period up to 29<sup>th</sup> August, 2020. Under Condition No 2 here is a requirement for a landscaping scheme to be agreed for planting along the Headford road frontage.

**P. A. Reg. Ref. 19/153:** Permission for alterations and extensions to the existing carpark (as permitted under P. A. Reg. Ref. 17/267) providing for an addition of ninety-four spaces was refused for reasons relating to the Galway Transport

Strategy (GTS) and the CDP's section 3.4 whereby it is the objective for commercial parking to be reduced in the city centre and to encourage alternative travel and for reasons of visual amenities.

**P. A. Reg. Ref 20/185 (PL300673):** For a larger site formed from the application site and from adjoining lands to the north the planning authority decision to grant permission for student accommodation (254 beds), four retail units and a gymnasium was upheld following appeal by order dated, 12<sup>th</sup> July, 2021. This development has not been commenced.

The City Council also has an enforcement file for the site.

## 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 location comes within an area subject to the zoning objective "*C1- to provide for light industry and commercial uses other than those reserved in the 'CC' (city centre) zone.*"
- 5.1.2. Relevant Policies from the adopted Galway Transport Strategy are reflected in chapter three. According to section 3.4 it is an objective for carparking providing in the city centre to be reduced and managed at a scale and structure that encourages transfer to increased levels of sustainable modes of travel, including public transport.
- 5.1.3. According to the section, permitting additional surface carparking in area that have a significant quantities of surface carparking greatly undermines this policy and frustrates the overall goals of the GTS. Carparking is to be restricted with the exception of designated regeneration sites at Ceannt Station in which parking supports a transportation hub and a substantial extension to the centre city and, on lands included in the Headford LAP (Galway City Council carpark) in which new parking replaces the Council's existing surface parking.
- 5.1.4. According to section 10.2.4 for the Headford Road Area, there is an objective for the preparation of a Local Area Plan to provide for plan led direction for the future development with an integrated approach to the redevelopment of a vibrant public realm and mix of uses. Delivery of facilities where opportunities arise on Council

lands in advance of the adoption of an LAP would take cognisance of an integrated development strategy.

- 5.1.5. According to section 11.2 (Development Management) temporary uses can be considered where they are compatible and contribute to the zoning objective.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. An appeal was received from the applicant's agent on 18<sup>th</sup> November, 2021 and it includes an account of the planning history.

- 6.1.2. With regard to Reason 1 for refusal it is submitted that:

- The adopted GTS and the aim to increase sustainable modes of transport is acknowledged. The fifty-three space carpark the temporary continuation of use of which is proposed has long and short-term parking available and is not intended for use by commuters and would not affect commuting. There are five hundred spaces in the reduced rate all day adjoining Dyke Rad carpark. The carpark is part of a larger site for which permission has been granted for student accommodation, (25 bed), four retail units and a gymnasium and the applicant intends to commence development soon. If the continuation of the temporary use is not permitted, the site would be disused anti-social behaviour may occur and this along with hoarding around it would detract from amenities. (P.A. Reg. Ref. 20/184/ PL 309673 refers)
- With regard to Reason Two, the poor visual presentation onto Headford Road would be exacerbated in the period pending commencement of the permitted development if temporary permission, for an active use which is preferable is not granted for the intervening period.
- The inspector in his report on the prior successful proposal for retention of forty-four spaces and creation of an additional seen commented on the merits and visual amenity considerations in providing for the available land use on the site as opposed to the alternative scenario where it would be vacant and underutilised. The inspector also commented that it would not seriously

diminish the visual amenities given the adjoining vacant land and Dyke Road carpark which is on the northern boundary vacant and underutilised, but he acknowledges that it would not contribute to creation of a high-quality urban realm.

- With regard to reason No 3 it is submitted that the reasoning and rationale is similar to that which was provided under Reason 2. The temporary use it is more appropriate to continue with it than to allow the site to fall into disuse as discussed.

6.1.3. It is submitted that there is a robust justification, as reflected in the appeal for positive consideration. It is requested that permission be granted it also being contended that the development that is consistent with the zoning objective.

## 6.2. Planning Authority Response

6.2.1. In a letter dated 10<sup>th</sup> December, 2021 it is stated that the planning authority considers that it addressed the issues raised in the assessment of the application and it is requested that the decision to refuse permission be upheld.

## 7.0 Assessment

7.1.1. The proposal is for a further retention providing for continuation of a “temporary “use which would allow for such use for a cumulative period of nearly ten years following the removal of the garage. Policies and objectives which conflict with the public carpark use latterly have been strengthened, the GTS has been adopted and incorporated within the 2017-2023 CDP’s transport policy. As such it is arguable that the use can realistically be defined as having been of a temporary nature.

7.1.2. There is little or no evidence in the appeal to demonstrate that the carpark differs in nature of use to the adjoining carpark, namely, that it is not used by commuters for all day parking by commuters and used for short term parking only as contended on behalf of the applicant. However, irrespective of whether the carparking is long term

or short term it is still in conflict with Section 3.4 of the CDP as referred to in the planning officer report in that it is not designated for public carparking use, whereas the Headford Road public carpark (under the control of the City Council) which is to be replaced by a new carpark, as is to be provided for in the LAP. As such, authorisation of a further period of use as a public carpark would facilitate and benefit non-essential private car trips which is to be discouraged according to the CDP and undermine the delivery of the CDP objective for promotion of cycling pedestrian and high-quality frequency public transport.

- 7.1.3. Removal of availability of carparking facilities such as the carpark use subject of the application which are intrinsically linked to generation of trips by private car trip to city centre destinations is an effective measure for achievement of this policy objective. Also, the carpark subject of the application is not a designated carpark in that it is not integrated with and located within the site of a specific development, such as a retail park for the use of customers or parking associated with commercial/business uses which would be consistent with the C1 zoning objective.
- 7.1.4. On its own, having regard in particular to the site frontage onto Headford Road and, in combination with the adjoining public carparks the carpark subject of the application is seriously injurious to the visual amenities of the area. It is of note that no landscaping or planting has been implemented to mitigate this impact in spite of requirements to this effect by condition attached to a prior grant of permission. (Condition No 2 - P. A. Reg. Ref. 17/267 refers.)
- 7.1.5. The Headford Road area in which the site is located which is south of the Bodkin Road roundabout has specifically been identified as offering major opportunities for high quality urban design and creation of a new vibrant area, along with the Ceannt Station and Inner Harbour. Continuation of the use is not functional to the delivery of regeneration of the area, the extant grant of permission for student housing and retail development being of note in this regard. It is not agreed that the continuation of the carpark use is substantively more functional to the amenities of the area and to



the public realm than cessation of the carpark use resulting in the site being vacant and boarded up.

## **7.2. Environmental Impact Assessment – Screening.**

- 7.2.1. Having regard to the minor nature of the proposed development and its location in a serviced inner suburban 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.

## **7.3. Appropriate Assessment Screening.**

- 7.3.1. Having regard to the scale and nature of the proposed development and to the serviced central city location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission for retention be refused based on the reasons and considerations which follow:

## **9.0 Reasons and Considerations**

1. It is the policy of the transportation strategy of planning authority as provided for in the Galway City Development Plan, 2017-2023 in which the Galway Transportation Strategy is adopted, to reduce parking provision and manage its availability at a scale and structure that encourages a transfer to increased level of use of sustainable modes including public transport in the city centre. It is considered that the retention of the proposed development which facilitates use of a private car for transport to the city centre for a further period in an area in which there is also a significant quantum of surface carparks would

mitigate against this policy and is in direct conflict to this development objective and to the proper planning and sustainable development of the area.

2. It is considered that the proposed retention of the temporary carparking use seriously injures the visual amenities of the Headford Road and is contrary to the achievement of the regeneration objectives for the Headford Road Area through plan led direction for the future development with an integrated approach to the redevelopment in accordance with high quality urban design principles and public realm standards as provided for in section 10.2.4 of the Galway City Development Plan, 2017-2023.

**Jane Dennehy**  
Senior Planning Inspector  
11<sup>th</sup> March, 2022.