



An
Bord
Pleanála

Inspector's Report

ABP-313102-22

Development	Construction of an eight storey over basement, 186 bedroom hotel.
Location	Site 4, Briarhill Business Park, Bothar na dTreabh in the townlands of Ballybrit and Doughiska, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	20218
Applicant(s)	Parosi Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant permission
Type of Appeal	First and Third Parties
Appellant(s)	Parosi Developments Ltd, Nightguard Ltd and Helen Duffy Fahy.
Observer(s)	None.
Date of Site Inspection	30 th September 2022.

Inspector

Barry O'Donnell

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.98ha and is located at Briarhill Business Park, adjacent to the junction of N6 Bothar na dTreabh and the R239 Monivea Road, in Galway City. Briarhill Business Park is a mixed-use commercial site that contains car sales showrooms, retail warehousing, offices and a variety of other commercial uses. It is accessed via Parkmore Road via a controlled access and internal carriageway that routes through the centre of the Business Park and services the individual commercial blocks.
- 1.2. The subject site is located on the south side of the Business Park's internal carriageway, toward the east end of the park and between two existing commercial plots. Western Motors adjoins to the east and a block containing a mix of uses (Tubs and Tiles occupies the closest unit to the subject site) adjoins to the west. A pedestrian underpass routes adjacent to the south-east corner of the site, providing pedestrian access to the south side of Bothar na dTreabh and Monivea Road.
- 1.3. Bothar na dTreabh is a heavily trafficked four-lane dual carriageway (widened to six lanes in the area of the subject site) and National Primary Route routeing around the northern outskirts of Galway City and connecting the M6 motorway to the N83, N84 and N59. Parkmore Road is a heavily trafficked link road that links Bothar na dTreabh and the N83.
- 1.4. Although undeveloped, the subject site has a hardcore surface and was overgrown at the time of my site visit. It has an open boundary to the north and is bounded by a low-level stone wall to the south.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices consists of the construction of an 8-storey over basement, 186 No. bedroom hotel with below ground pool plant equipment, tank room, standby generator and pumping station, with a gross floor area of 12,478sqm. Also included is a new guest vehicle entrance, car parking spaces, 3 set-down spaces, service entrance, cycle parking and associated development works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 24th February 2022, subject to 22 No. conditions. The following conditions are of relevance: -

- Condition No. 2 required omission of an upper level of bedroom floors, between levels 2 and 6, with proposals to be agreed in writing prior to commencement of development.
- Condition No. 3 required payment of a contribution of €561,750 under the adopted development contribution scheme.
- Condition No. 4 required the gym facility to be restricted to use by hotel guests.
- Condition No. 5 required submission of a landscaping scheme for the site.
- Condition No. 13 required submission of a waste management plan for the site.
- Condition No. 14 required submission of a construction programme, including specified measures.
- Condition No. 16 required proposals for enhanced pedestrian and cyclist access and infrastructure within and surrounding the site.
- Condition No. 19 required submission of a mobility management plan, including specified measures.
- Condition No. 20 required details of shuttle bus arrangements to facilitate transport of patrons.
- Condition No. 22 required the applicant to engage with the Irish Aviation Authority regarding crane/high vehicle use during construction.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 8th October 2020, 26th August 2021 and 24th February 2022 have been provided. The first report states that commercial uses are permissible under the 'CI' zoning and that hotels have been permitted on other CI zoned lands in the city. Concerns are expressed regarding the proposed design and height of the hotel and

the report states that the architectural quality is questionable, particularly its form, massing, proportion and facing materials and its visual dominance. Regarding the Galway City Ring Road, the report identifies conflicting advice from consultees, with the GCRR project office submission stating that there is no conflict between the proposal and the proposed ring road route, whilst both TII and the Transportation section advise that the proposal is in conflict with the project and is premature until the route is confirmed. Regarding transport more generally, the report states that in view of the proposed scale, a transport assessment is required, where a shortfall of 158 No. parking spaces is identified. The report recommends that permission be refused for 5 No. reasons.

3.2.2. An addendum report (dated 13/10/20) followed this recommendation, which outlined a request for additional information in relation to: -

- 1) Proposed design amendments
- 2) Additional parking provision within the site
- 3) Traffic movements within the site
- 4) Revised location for cycle parking within the site
- 5) Feasibility of providing a direct pedestrian route from the hotel to a point adjacent to the underpass
- 6) Inadequate provision for firefighting
- 7) Surface/storm water drainage
- 8) Revised traffic assessment, to account for construction traffic.

3.2.3. The second report followed receipt of the AI response. It summarises and responds to the AI response items and recommends that clarification of AI be requested, in relation to: -

- Surface/storm water drainage proposals.

3.2.4. A further addendum report (dated 1/9/21) followed this recommendation, which outlined a request for clarification of AI in relation to: -

- Car parking proposals.

3.2.5. The third report followed the CAI response. It summarises and responds to the response items and concludes that the development is acceptable. It recommends that permission be granted, subject to 22 No. conditions, which are consistent with the Planning Authority's decision to grant permission.

3.2.6. Other Technical Reports

An **Environment Section** report dated 17th September 2020 has been provided, which recommends conditions as part of a grant of permission.

A **Chief Fire Officer** report dated 11th September 2020 has been provided, which advises that the proposal does not comply with fire safety requirements in reference to firefighting access.

A **Water Services** report dated 27th July 2021 has been provided. The report recommends AI be sought in relation to surface water drainage proposals.

An undated **Transportation** Section report has been provided (indicated as pre-dating the FI request), which advises that the development may conflict with policy 3.4 of the County Development Plan related to the GCRR and that parking proposals may be at variance with the Galway Transport Strategy and requirements of the CDP. The report recommends that additional information is sought regarding (1) traffic and transport assessment, (2) parking proposals and (3) public lighting

The **National Roads Office** (submission made by ARUP) made a submission on 23rd September 2020, advising that the boundary of the site marginally overlaps the fence line of the GCRR but that the proposed boundary wall does not conflict with the GCRR. The submission advises that the Planning Authority's Roads Department should review the proposal for consistency with the Galway Transport Strategy. The submission also advises that if parking proposals are found to be at variance with overarching planning policy, this element of the proposal should be refused.

3.3. Prescribed Bodies

3.3.1. The **Irish Aviation Authority** made a submission on 10th September 2020, which requested that the applicant be conditioned to engage with the Authority to agree an obstacle lighting scheme and to be notified of the intention to commence crane operations.

3.3.2. The appeal documents provided indicate that **Irish Water** made a submission on 2nd September 2020 but the main body of the submission was not provided.

3.3.3. **Transport Infrastructure Ireland** made submissions on 31st August 2020, 4th August 2021 and 30th December 2021. The first submission advised that the development is at variance with policy relating to the control of development on or affecting national roads, as it would affect the operation and safety of the national road network. The second submission advised that the Authority would rely on the PA to abide by planning policies regarding development on/affecting national roads. The submission also stated that it is unclear whether the proposal is consistent with the Galway Transport Strategy and suggested that this should be considered. The third submission reiterated the Authority's position on the application.

3.4. **Third Party Observations**

3.4.1. A number of third-party objections were received, the issues raised within which can be summarised as follows: -

- Proposal contrary to zoning, planning policies and Galway Transport Strategy,
- Inappropriate site location,
- Capacity,
- Overdevelopment,
- Proposed height and design,
- Overlooking, overshadowing and overbearing,
- Visual impact,
- Traffic and parking,
- Public transport,
- Foul and surface water drainage,
- Noise,
- Absence of consultation,
- Construction management,

- Impact on property values,
- Inadequate electricity and broadband capacity.

3.4.2. A number of additional submissions were received as part of further periods of consultation, which followed the submission of significant additional information. New issues raised within these submissions can be summarised as follows: -

- Proposals for an office block contained within the FI response were objected to.
- Legal entitlement to enact permission.

4.0 Planning History

4.1.1. I did not encounter any recent planning records pertaining to the site.

Relevant nearby planning records

18/25: *Site at lands between Doughiska Road, Eastern Approach Dual Carriageway and Bothar na dTreabh* – Permission granted on 4th September 2019 for a mixed-use development ranging in heights from three-storey over ground-floor level to seven-storey over podium level comprising of 130 apartments and associated elements, an office block, 122-bed hotel and associated elements and creche unit. The development also included associated site works.

5.0 Policy Context

5.1. Galway City Development Plan 2017-2023

5.1.1. The site is zoned Enterprise, Light Industry and Commercial (CI) under the City Development Plan (CDP), with an objective *‘To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.’*

5.1.2. Section 11.2.6 contains a range of *‘uses which are compatible with and contribute to the zoning objective’* and *‘uses which may contribute to the zoning objectives, dependent on the CI location and scale of development’*. The individual use lists are stated to be intended as a guideline and are not exhaustive (Section 11.2).

5.1.3. Hotel uses are not identified under either use list (hotel uses are listed under other zoning objectives). Residential development is identified as a use which may contribute to the zoning objective, subject to the following qualification: -

'Residential content of a scale that would not unduly interfere with the primary use of the land for CI purposes and would accord with the principles of sustainable neighbourhoods outlined in Chapter 2.'

5.1.4. Chapter 5 relates to Economic Activity and contains Policy 5.1. Of relevance to this appeal are the following elements of the policy: -

- Recognise the significant contribution that tourism makes to the local economy and facilitate the sustainable development of associated infrastructure, attractions and events particularly where they reflect the distinctive history, culture and environment of Galway.
- Support the implementation of the phased plan of transportation measures as proposed for in the Galway Transport Strategy (GTS) including for public transport, walking and cycling, and a strategic new road, the N6 GCRR.

5.1.5. Section 3.1 contains the Transportation Strategy for the City. It states that the N6 GCRR project will be supported *'in conjunction with Galway County Council and Transport Infrastructure Ireland in order to develop a transportation solution to address the existing congestion on the road network and reduce the negative impact of vehicular traffic on the functioning and experience of the city centre and to facilitate city bound, cross –city, cross- county and strategic east – west movements.'*

5.1.6. Other relevant policies include: -

Policy 3.3: Continue to progress a sustainable transport solution for the city through the implementation of measures included in the GTS and required supporting projects in particular the N6 GCRR project.

Policy 3.4: Enhance the delivery of an overall integrated transport solution for the city and environs by supporting the reservation of a corridor route to accommodate an orbital route as provided for in the N6 GCRR project.

5.2. Northern and Western Regional Spatial and Economic Strategy 2020-2032

5.2.1. The subject site is located within the Galway Metropolitan Area Boundary.

5.2.2. Section 3.6 contains the Galway Metropolitan Area Strategic Plan. Briarhill is identified as an 'Industry & Technology sites' location and the following regional policy objective is relevant to the appeal: -

RPO 3.6.5: Support the delivery of lands for employment uses at Knocknacurra/Rahoon, Mervue, Dangan, Parkmore, Briarhill, Airport and Oranmore.

5.2.3. The GCRR is identified as a key transportation component for the MASP and it is stated to be classified as part of the TEN-T road networks. RPO 3.6.7 is relevant to the appeal: -

RPO 3.6.7: The Assembly supports the delivery of the infrastructure projects outlined below to develop the MASP:

- Galway City Ring Road (S)
- Galway Transport Strategy (S/M/L).

5.3. Galway Transport Strategy

5.3.1. The Galway Transport Strategy provides an integrated transport strategy for Galway City and its environs. Its stated aim is to address the transport requirements of the study area, which encompasses the city and surrounding towns and villages, including Bearna, Oranmore, Maigh Cuilinn and Baile Chlair.

5.3.2. The N6 GCRR is identified as an important element of the strategy, providing a reliable/resilient cross-city route for travel by road and assisting in reallocation of existing road space for use by pedestrians, buses and cyclists. Figure 4.4 of the Strategy identifies the route of the ring road.

5.4. National Planning Framework

5.4.1. Section 3.3 states that the Galway metropolitan area shares many of the challenges arising from growth and economic success with much larger cities and that it needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries. The delivery of the GCRR is identified as a key growth enabler for the city.

5.4.2. Relevant National Policy Objectives include: -

NPO5: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

NPO6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

5.5. Urban Development and Building Heights Guidelines for Planning Authorities

- 5.5.1. Paragraph 1.9 of the Guidelines relates to the National Planning Framework objectives in relation to strategic growth and outlines that there is significant scope to accommodate population growth and development needs including employment by building up and consolidating the development of existing urban areas. The guidelines require that the scope to consider general building heights of three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.
- 5.5.2. Section 3.0 relates to Building Height and the Development Management Process. The Guidelines outline a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.
- 5.5.3. Section 3.2 of the Guidelines outlines that - In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a set of criteria. The criteria relate to the development's impact at the scale of the city/town, the district neighbourhood / street and the site / building. The specific criteria to be addressed at each level are detailed in the table below.

At the scale of the relevant city/town

- The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.
- Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.
- On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

At the scale of district/neighbourhood/street

- The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.
- The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).
- The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

- The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

At the scale of the site/building

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Specific Assessment

- To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.

- In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision. • An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

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| <ul style="list-style-type: none"> • An assessment that the proposal maintains safe air navigation. |
| <ul style="list-style-type: none"> • An urban design statement including, as appropriate, impact on the historic built environment. |
| <ul style="list-style-type: none"> • Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate. |

SPPR 3 - It is a specific planning policy requirement that where:

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above, (Section 3.2); and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

5.6. Spatial Planning and National Road Guidelines for Planning Authorities (2012)

5.6.1. The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions. Key principles of the guidelines include integration of land use and transportation to minimise the need to travel and safeguarding against a proliferation of developments accessing national roads.

5.6.2. Chapter 2, Section 2.7 addresses Development at National Road Interchanges or Junctions. It outlines that interchanges/junctions are especially important elements of national roads infrastructure that development plans and local area plans must take account of and carefully manage. The following guidance is set out:

“Therefore, planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency

of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users”.

- 5.6.3. Chapter 3 of the Guidelines deal with Development Management and Roads. Section 3.7 relates to Avoiding Adverse Impacts from Existing and Future Roads. This outlines that national roads can potentially produce significant adverse effects that extend beyond the roads concerned. Such effects are identified as traffic noise and vibration, vehicle generated emissions, lighting glare, dust and visual impact. In this regard it is stated that all proposals in respect of noise sensitive developments within the zone of influence of such existing or planned new roads should identify and implement mitigation measures in relation to noise and other potential impacts. The potential impact of lighting within developments which run parallel to national road networks are also identified. The Guidelines furthermore outline that inappropriate building design or materials can also reflect light in a manner that may result in adverse impacts on road safety. The use of highly reflective building surfaces, such as glass, in situations where they are likely to reflect car headlights can impair drivers' vision and cause distraction and thus create confusion and have adverse effects on road safety.

5.7. Natural Heritage Designations

- 5.7.1. The site is not located within or adjacent to any designated European site, the closest such site being Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268), which are c.3.2km south-west.
- 5.7.2. Galway Bay complex is also designated as a proposed Natural Heritage Area (Site Code 000268).

5.8. EIA Screening

- 5.8.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.8.2. Class 12(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.

5.8.3. The subject site is located within the built-up area of Galway City and is also within the designated Metropolitan Area of the City. In view of this, the provisions of Class (12)(c) do not apply.

5.8.4. Class 10(b)(iv) of the Schedule also provides the following prescribed class: -

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

5.8.5. The subject site has a stated area of 0.98ha. It falls well below the applicable threshold for mandatory EIA.

5.8.6. In respect of sub-threshold EIA, the site is located in an established business park, within the Metropolitan Area of the City, in an area that is characterised by commercial development of mixed scales of commercial and industrial development. The area is served by the public foul and surface water drainage networks. It is not subject to any designation for the preservation of the landscape and there are no protected structures in the vicinity. In this context, I am satisfied that the need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Separate third-party appeals have been submitted by Nightguard Ltd and Helen Duffy Fahy. A first party appeal has also been submitted, in respect of conditions 2 and 4 of the Planning Authority's decision. The individual grounds of appeal are summarised below.

6.1.2. First party appeal: -

- The appeal concerns conditions 2 and 4 of the Planning Authority's decision.
- Condition No. 2

- The site presents an opportunity to improve placemaking in the locality. The N6 bisects the community and prevents cohesion. The proposed building height takes account of CDP Section 8.7. It has no impact on adjacent buildings and provides an improvement to the character of the area.
- The scale proposed is intended to deliver a commercially viable development.
- The omission of a floor would affect the proportions and slimness of the building's profile, impacting its ability to act as a landmark. It also affects viability.
- The consented GCRR must be considered as it will change the environment of Briarhill. It will conceal 2-3 floors of the proposed hotel.
- Condition No. 4
 - The quantum of parking associated with the development was the subject of extensive consultation with the Planning Authority and is adequate. Parking spaces were increased from 154 No. to 193 No. in order to address identified concerns.
 - Ancillary measures are incorporated to reduce car parking demand. A significant proportion of guests will arrive by bus, further reducing parking demands. A workplace travel plan has also been developed.
 - The condition affects the viability of the development. The majority of hotel gyms rely on outside members for them to be viable.

6.1.3. Third party appeals: -

Appeal by Nightguard Ltd

- The decision to grant permission is at odds with the original recommendation of the Local Authority planner.
- Issues raised by third parties in submissions to the Planning Authority should be analysed by the Board (the Planning Report summary of issues raised is appended to the appeal). These issues relate to: -
 - Zoning and policy context
 - Urban design and building height

- Traffic, parking and transportation
- Services
- Lack of consultation
- Economic justification
- The proposal is contrary to policy regarding the control of development on or affecting national roads, as has been advised by Transport Infrastructure Ireland in its submissions on the application.
- A grant of permission would be premature as, whilst permission has been granted for the GCRR, there are active High Court challenges to the Board's decision which may result in another route being selected.
- The proposal is not suitable for a small business park.
- The proposal will devalue existing properties in the area.
- Services in the business park are not capable of accommodating the development.
- The Board is requested to overturn the decision to grant permission.

Appeal by Helen Duffy Fahy

- Contrary to zoning
 - The zoning category does not provide for hotel uses.
 - A hotel is a residential business and must be assessed as such when considering its compatibility for a given site. The applicant has not demonstrated how the proposal is compatible with adjoining commercial and industrial uses.
 - References to a requirement for more tourist accommodation in the area do not justify this site. References to an adjacent hotel also do not justify the location as the site contexts are different.
 - Briarhill Business Park needs to be protected from incompatible land uses such as hotels.
 - A grant of permission for a further hotel risks over-supply of hotel accommodation in the area, given the Clayton Hotel is adjacent and there is a further approved hotel (Reg. Ref. 18/25 refers)

- Traffic
 - The area is known for heavy traffic volumes. Briarhill Business Park contains approx. 500 employees and in peak times, it can be difficult to enter/leave the Business Park from Parkmore Road.
 - Assertions within the transport assessment that the road network can accommodate the development are not accepted.
 - Parking proposals are inadequate and there is no overflow parking within the Business Park. Informal parking will affect operations within the Business Park.
 - The site is not on a high-quality public transport corridor and there is limited cycling infrastructure and connectivity to other areas. The hotel would be car-based and would be contrary to the Galway Transport Strategy.
- Density, Scale and Height proposed are excessive
 - The proposed scale is akin to a city centre development and is out of character and inappropriate in this location.
 - The development will overlook, overshadow and overbear adjacent property and would negatively affect visual amenity.
 - Revisions proposed at FI stage and the removal of a floor required by the Planning Authority decision are inadequate to address concerns.
 - Supports within the NPF and Building Height Guidelines that are referenced by the applicant do not justify the proposed scale of development on a suburban site.
 - Precedent cases quoted regarding building heights are misleading and/or irrelevant. There is no precedent in Galway City for this development.
 - The proposal is at odds with planning policy regarding building heights.
 - Previous proposals for tall buildings on the site have been refused permission.
 - The proposal breaches the established building line along the N6 corridor.
- Landscaping proposals fail to provide a high-quality environment for guests and the external area is dominated by surface car parking spaces.
- Guests will be affected by noise from the N6.

- The mobility management plan is not credible and does not justify proposals for reduced parking.
- The transport assessment does not adequately assess predicted impacts of movements to and from the site.
- Connection to services
 - Permission is required from the Briarhill Business Park Management Company to connect to services within the site and to access the site. Permission has been denied to the applicant for this because services are incapable of accommodating the development.
 - Further development within the Business Park must be in conjunction with upgrade of the foul drainage system.
 - The surface water drainage system does not connect to the public sewer and it is inadequate to serve the development. Statements regarding the make-up of the system are inaccurate.
- Construction activity and hours should be controlled as part of any decision to grant permission.
- The development would depreciate the value of adjoining property.

6.2. Applicant Response to Third Party Appeals

6.2.1. The applicant responded to the third-party appeals in a submission dated 25th April 2022. The contents of the submission can be summarised as follows: -

- The Planning Authority's decision was made in accordance with the Development Management Guidelines.
- No evidence is provided in support of claims that the development would devalue property in the area. The development will benefit the area.
- The CI land use zoning facilitates a hotel use, as confirmed by the Planning Authority.
- The subject site is at the confluence of large areas of industry, the new Ardaun Neighbourhood and the large residential neighbourhood at Doughiska. The

proposal represents an opportunity to provide a range of uses in proximity to the District Centre.

- The proposal strives to introduce a higher quality of built form, material finishes and placemaking and the opportunity to enhance the area should be grasped. It has no impact on adjacent buildings and provides an improvement to the character of the area.
- The consented GCRR must be considered as it will change the environment of Briarhill. It will conceal 2-3 floors of the proposed hotel.
- The scale proposed is intended to deliver a commercially viable development.
- Consent to connect to existing services is not required.
- Concerns regarding visual impacts are non-specific and comprise a critique of the proposed design.
- There is no basis to concerns regarding overlooking of adjacent commercial property

6.3. Planning Authority Response

6.3.1. The Planning Authority made a submission on 25th April 2022, the contents of which can be summarised as follows: -

- First party appeal
 - The height of the proposal is excessive, as referenced by the low site coverage and high plot ratio, and should be reduced by a single floor, as required by condition No. 2.
 - Comparisons to other hotels in Dublin are not comparable to the proposal.
 - The increase in parking provision proposed does not account for additional and ancillary elements, which generate a separate car parking requirement, which amounts to 193 No. spaces or 38% of the CDP standard. This is a significant shortfall and is indicative of overdevelopment.
 - A limited amount of modal shift may occur but in view of the suburban location, the hotel will be dependent on private vehicles. It is not realistic to contend that many patrons will arrive at the site by public transport or shuttle bus.

- Third-party appeals
 - Issued raised in the appeals were addressed in the recommendation to grant permission dated 25th February 2022.
 - Regarding the original planner's report, the primary issue was discussed and a request for AI was recommended to be issued. The original planner recommendation was retained on the file.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main planning issues in the assessment of the proposed development are as follows:-

- Preliminary issue regarding legal title;
- Principle of development;
- Design and layout - building height and visual impact;
- N6 Galway City Ring Road;
- Traffic, access and parking;
- Drainage;
- Other issues; and
- Appropriate assessment

7.2. Preliminary Issue Regarding Legal Title

7.2.1. The appeal by Helen Duffy Fahy contends that permission is required from the Briarhill Business Park Management Company to connect to services within the site and to

access the site. The appeal further states that such permission has been denied to the applicant for this because services are incapable of accommodating the development.

- 7.2.2. In responding to the appeal, the applicant contends that consent to connect to existing services within the Business Park is not required and references a letter of consent provided by Mr. Bernard Costello, current owner of the subject site, which was provided with the application.
- 7.2.3. The issue of right to connect to existing services within the Business Park was considered by the Planning Authority as part of its assessment of the application and included the submission of additional information from the applicant. I note that following the submission of additional information, the Planning Authority evidently deemed itself to be satisfied with the applicant's response.
- 7.2.4. Section 5.13 of the *Development Management Guidelines* (DOEHLG, 2007) provides detailed guidance on the issue of land ownership disputes within planning applications, outlining that the planning system is not appropriate for resolving land disputes and that these are ultimately matters for the Courts. Further, it is advised that permission should only be refused on the basis of land ownership, where it is clear that the applicant does not have sufficient legal title.
- 7.2.5. Having considered the information provided with the application and appeal, it is my view that this appeal is not the appropriate forum for determination on the matter; this is a matter for the Courts to determine. It is not clear from the information before me that the applicant does not have sufficient legal title to connect to services within the Business Park and I thus consider it would be unjustified to refuse permission on this basis.
- 7.2.6. The Board will in any case be aware of the provisions of S34(13) of the Act, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.3. **Principle of Development**

- 7.3.1. The site is zoned Enterprise, Light Industry and Commercial (CI) under the Galway City Development Plan 2017-2023 (CDP), with an objective '*To provide for enterprise, light industry and commercial uses other than those reserved to the CC zone.*'

- 7.3.2. The structure of the CDP, with respect to uses that are considered to be acceptable under relevant zonings, is that Section 11.2 indicates examples of uses that may or may not be acceptable within each use zone. Section 11.2.6 provides use examples related to the Enterprise, Light Industry and Commercial zoning. They are stated to be intended as a guideline and are not exhaustive, with uses that are not cited falling to be considered in relation to general policy and to the zoning objectives for the area in question.
- 7.3.3. Hotels uses are not cited under the example uses for the Enterprise, Light Industry and Commercial zoning but, in line with the foregoing, this does not render the proposal unacceptable. Other factors are to be considered, as is done below.
- 7.3.4. The site is in a suburban location, approx. 4.5km from the City Centre (measured in a direct line). It is located within an established Business Park which is accessed from Parkmore Road and which contains a mix of commercial and business uses. The commercial sites adjacent to the subject site are used for car sales showroom (east) and retail warehousing (west) purposes. I do not consider that either use is sensitive to or incompatible with a proposed hotel use on the site.
- 7.3.5. The Business Park is separated from the main part of the City by the N6 National Primary Route (better known as Bothar na dTreabh) but it has pedestrian connectivity to Briarhill Shopping Centre to the south, via a pedestrian underpass which routes adjacent to the south-east site boundary and which passes under Bothar na dTreabh before resurfacing at Monivea Road. Briarhill Shopping Centre is a District Centre that contains a mix of commercial, retail, office and residential uses. There is also an existing 5-storey hotel adjacent to the shopping centre and on the north side of Monivea Road, the Clayton Hotel.
- 7.3.6. The site also lies within the designated Metropolitan Area for Galway City, as identified on Figure 19 of the Northern and Western Regional Spatial and Economic Strategy 2020-2032. The thrust of National and Regional policy seeks to support compact growth within urban areas and to provide people-intensive employment uses within existing urban centres and at high-capacity public transport corridors.
- 7.3.7. Given the urban context of the site, I consider the proposed development is consistent with the zoning objective and would not result in an incompatible form of development. However, and notwithstanding this, the scale and height of the proposal and

associated traffic and visual impacts are material factors in the assessment of the proposal, especially in the context of the Building Height Guidelines and the location of the site on the national road network and in a suburban area.

- 7.3.8. The appellant, Nightguard Ltd, submits that the development will increase the supply of hotel beds in the area and that no economic justification has been provided. Given the urban, zoned context of the site, and in view of my assessment of the principle of the development, it is my view that the development does not require additional justification on economic grounds. Moreover, it is not the role of the planning system to restrict competition. I therefore consider it would be unjustified to refuse permission on this basis.

7.4. Design and Layout - Building Height and Visual Impact

- 7.4.1. The development comprises an 8-storey over basement, 186 No. bedroom hotel with a gross floor area of 12,478sqm, which includes below ground pool, plant equipment, tank room, standby generator and pumping station. The proposed design comprises two linked eight storey blocks, each of which has a contemporary monopitch roof. The linking section also has an eight-storey height and is heavily glazed, incorporating a flat roof. At the AI stage the applicant proposed minor revisions to the design, including in respect of elevational design and treatments and materials.
- 7.4.2. The site is in a suburban, edge-of-city business park location, adjacent to a National Primary Route. The prevailing character within the business park is of two and three-storey commercial development. The surrounding area includes other commercial uses, including the three storey Briarhill Shopping Centre and five storey Clayton Hotel on the opposite side of Bothar na dTreabh.
- 7.4.3. The appellant, Helen Duffy Fahy, contends that the density, scale and height proposed are excessive and that the proposed scale is akin to a city centre development, which is out of character and inappropriate in this location. The appellant further argues that the development will overlook, overshadow and overbear adjacent property and would negatively affect visual amenity.
- 7.4.4. In responding to the appeal, the applicant argues that the proposal strives to introduce a higher quality of built form and that the opportunity to enhance the area should be grasped. The applicant also submits that the development has no impact on adjacent buildings and provides an improvement to the character of the area.

- 7.4.5. Section 3.2 of the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) provides assessment criteria to be applied when assessing applications for increased height and section 3.1 of the Guidelines outlines that there is a presumption in favour of buildings of increased height in town or city cores and in other urban locations with good public transport accessibility. In this context, I note that Ballybrit Business Park is served by public transport (there is a bus stop adjacent to the business park access and there are a number of other bus stops in the vicinity of the site) but I consider the area is poorly connected to the main part of the city, south of Bothar na dTreabh.
- 7.4.6. Regarding the Section 3.2 criteria, the initial Planning Authority report expressed concern regarding the architectural quality of the development, where its scale and height were considered to cause it to visually dominate the area rather than integrate into the built environment (the Board will note that the Planning Officer recommended refusal of the application, but this was superseded by an Addendum Report from the Senior Executive Planner which recommended a request for additional information to address identified concerns). No further concerns were expressed by the Planning Authority within the AI and CAI reports regarding the proposed scale or design, but the Board will note that condition No. 2 of the Planning Authority's decision required omission of an upper floor.
- 7.4.7. The Planning Report submitted with the application includes an assessment of compliance with the 'at the scale of the relevant city/town' of the Section 3.2 criteria.
- 7.4.8. The following is my assessment of the development, in the context of the Section 3.2 criteria.
- At the scale of the relevant city/town
- 7.4.9. The first criterion relates to the availability of public transport with high capacity, frequent service and good links to other modes of public transport.
- 7.4.10. The applicant submits that there are 6 bus-stops within 270m of the site and that the site is served by 2 bus routes (Nos. 401 and 409) which provide city bus services every 10-20 minutes. The proximate bus stops are also served by regional bus services. The applicant also states that Eyre Square is a 19-minute cycle from the site.

- 7.4.11. The second criteria relates to successful integration into and/or enhancement of the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks and protection of key views.
- 7.4.12. By reference to the architectural Design Report submitted with the application, the applicant submits that the development would greatly enhance the character of the area, enabling a sense of place to be created, causing a noticeable improvement in the building typology of the area and, more generally, having a beneficial impact.
- 7.4.13. The third criterion relates to proposed developments making a positive contribution to place-making, using massing and height to achieve density and with variety in scale and form to surrounding character and to create visual interest.
- 7.4.14. The applicant submits that the development makes a positive contribution to place-making and that the layout optimises site characteristics and responds to its context, providing two-bedroom wings that maximise views and access to natural light. Finishing materials and treatments give the building its own identity.
- 7.4.15. The site is served by public transport and is in a part of Galway City that already contains taller hotel buildings and which will continue to evolve as part of the metropolitan area of Galway City. In accordance with advice provided by the Guidelines, it may therefore be a suitable location to consider a taller building.
- 7.4.16. I noted on my visit to the site that there is a high degree of functional separation between the site and the remaining area of Galway City, south of Bothar na dTreabh. There is a pedestrian underpass that leads from the site to Monivea Road, under Bothar na dTreabh, but in practice this provides very limited connectivity to the rest of the urban area to the south. However, cognisance must be given to the fact that the proposal is a hotel development and it does not give rise to the same requirement for high levels of connectivity that, for example, a residential development would. I consider proximity to public transport services is a more important factor to consider and I note the applicant's submissions in this regard.
- 7.4.17. Regarding the issue of connectivity, I would advise that Board that the delivery of the N6 Galway City Ring Road (GCRR), which routes north of the site, is likely to have an effect on traffic patterns in this area of the City and is likely to effect reconsideration of the functional role of Bothar na dTreabh in the future. But there is no clear timeframe

for its delivery, so the current road layout and conditions on Bothar na dTreabh are likely to remain for the foreseeable future.

7.4.18. Regarding integration into and enhancement of the public realm and contribution to place-making, I note that the application includes a set of 9 No. CGIs and the applicant acknowledges that the development will be prominent from the east, west and south, along the R339 and Bothar na dTreabh. In justifying the development, the applicant states that the subject site is one of the primary gateways into Galway City Centre and that it is one of the last developable opportunities that can improve placemaking in the locality. In this context, it is argued that the height step from adjacent buildings is appropriate.

7.4.19. It can be seen from these CGIs that the proposal is a dominant feature in views from the east and west, along Bothar na dTreabh. As a taller building in an area of low-rise development, I accept that the proposal will have a dominant effect in some views. But in saying this, the site is not located within a sensitive or protected landscape or conservation area and is proximate to other taller buildings. For example, the five storey Clayton Hotel is on the opposite side of Bothar na dTreabh and there is approved development that includes taller buildings of up to seven storeys to the south, adjacent to the junction of Bothar na dTreabh and the Eastern Approach Dual Carriageway (Reg. Ref. 18/25 refers). This area of the city, which is within its metropolitan area, is evolving and I consider the development will integrate into and contribute to the evolving character of the area

At the scale of the district/neighbourhood/street

7.4.20. The criteria combine to state that proposals should respond to their overall context and should positively contribute to the urban setting, should not be of a monolithic design, should contribute to the mix of uses and building typologies in the area and should enhance the urban design context and positively contribute to legibility improvements.

7.4.21. As I have stated previously, the applicant submits that the proposal strives to introduce a higher quality of built form and that the proposal will result in an improvement to the character of the area. The applicant references Section 1.10 of the Guidelines, which states that city centres and analogous areas that are promoted for strategic

development should have a default objective to deliver building heights of at least six storeys at street level.

7.4.22. The proposal represents the redevelopment of a vacant urban plot which currently makes little or no contribution to the urban grain of the area. In this context, I consider the redevelopment of the plot is to be welcomed.

7.4.23. I agree with the applicant, that the development will be prominent from the east, west and south, along the R339 and Bothar na dTreabh. This is related to the low-rise character of Briarhill Business Park and other development north of Bothar na dTreabh and is, in my view, an inevitability of the development of a taller building on the site. But there are other taller buildings in the area and it is my view that the site can accommodate a taller building. As the applicant points out, Section 1.10 of the Building Heights Guidelines promotes building heights of at least six storeys in locations such as this and the section also states that taller building heights over and above this should be considered by application of the criteria laid out in the Guidelines and where there is a particular concentration of enabling infrastructure and the overall project outcome would be of very high quality.

7.4.24. The building has a contemporary design and comprises of two effective wings, which are separated by a break in the building that allows for natural light to each room. I am satisfied that the proposed design is not monolithic in its design and its design incorporates sufficient architectural and visual interest to make a positive contribution to the urban neighbourhood and streetscape.

7.4.25. In respect of the proposed hotel use, I note the appellant's concern that the development may result in an overconcentration of hotel accommodation in the area. The Clayton Hotel is opposite the site, on the south side of Bothar na dTreabh and there is an approved 122-bed hotel adjacent to the junction of the Eastern Approach Dual Carriageway and Bothar na dTreabh, approved under Reg. Ref. 18/25. Notwithstanding these concerns, I consider the proposed development, which includes associated elements such as a gym facility, restaurant and lounge/bar at ground floor levels, would contribute to the overall mix of uses in the area.

At the scale of the site/building

7.4.26. The criteria together require that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural

daylight, ventilation and views and minimise overshadowing and loss of light, with reference to BRE and BS guidance. Where compliance with all requirements is not achieved, this should be identified and justified.

- 7.4.27. The application is not accompanied by a daylight and sunlight assessment. Notwithstanding this, I have given consideration to the proposed internal layout.
- 7.4.28. As I have stated previously, the building comprises of two effective wings, which are separated by a break in the building that allows for natural light to each bedroom. Bedrooms are located between level 02-08 and it is from level 02 that the building splits into the separate wings. The building layout is also staggered, with the west wing set slightly forward of the east wing in order to allow for penetration of natural light to the inward facing elevations. I am satisfied that the proposed layout ensures the majority of rooms are likely to experience high levels of natural light. Some of the inward facing rooms may experience overshadowing in mornings or evenings but I have not been able to quantify this. The Board may therefore wish to clarify this.
- 7.4.29. The appellant, Helen Duffy Fahy, expresses concern that the development will overlook and overshadow adjacent property and will negatively affect visual amenity.
- 7.4.30. I have previously commented on the visual impact of the development and expressed the view that the site is capable of accommodating a taller building.
- 7.4.31. Regarding potential overlooking, in an urban location such as this I consider redevelopment of the site will inevitably give rise to overlooking. Bedrooms within the hotel will overlook to the east, west and north but adjacent premises at Briarhill Business Park are all in commercial use and are not sensitive to overlooking. There are no sensitive properties such as housing in the area that would be overlooked by the development.
- 7.4.32. Similarly, overshadowing of adjacent property is likely to arise, in view of the scale of development and the juxtaposition of adjacent buildings. Shadow cast onto adjoining land to the west is likely to be significant in the mornings, given the very close proximity of the proposal to the shared boundary. However, this said, there are limited window openings on the east elevation of the adjoining building and the external area is used for car parking. The impact of overshadowing is therefore limited.

7.4.33. The proposal is set back from the east site boundary by in excess of 50m. The development may overshadow the adjacent property in the evenings but I consider the relationship of the development to this property would be acceptable, given the urban context.

Conclusion

7.4.34. The subject site is located within the metropolitan area of Galway City and is in an area served by public transport. In accordance with guidance contained within the Building Heights Guidelines, I consider it is a suitable location for the provision of a taller building.

7.4.35. Section 1.10 of the Building Heights Guidelines promotes building heights of at least six storeys in locations such as this, but it also states that taller building heights over and above this recommended minimum should be considered by application of the criteria laid out in the Guidelines. It is my view that the site context, in particular its proximity to other taller buildings and the fact that it is served by regular public transport services, means consideration can be given to a taller building such as that proposed. I am satisfied that the proposed design is not monolithic in its design and its design incorporates sufficient architectural and visual interest to make a positive contribution to the urban neighbourhood and streetscape. In view of this, I conclude that the proposed building height is acceptable.

7.5. N6 Galway City Ring Road

7.5.1. The route of the N6 Galway City Road routes adjacent to the northern boundary of the site. Application documents for the GCRR project, available at <http://www.n6galwaycityringroad.ie/> identify that the access road to Briarhill Industrial Park would be revised as part of the project but the road in the area of the subject site is shown to largely retain its existing alignment.

7.5.2. In its first submission on the application, Transport Infrastructure Ireland advised that the development is at variance with policy relating to the control of development on or affecting national roads, as it would affect the operation and safety of the national road network.

- 7.5.3. The appellant, Nightguard Ltd, submits that the proposal is contrary to policy regarding the control of development on or affecting national roads, with reference to the submission by TII.
- 7.5.4. ARUP, as project designer for the GCRR, made a submission on behalf of the Planning Authority's National Roads Office, advising that the boundary of the site marginally overlaps the fence line of the GCRR but that the proposed boundary wall does not conflict with the GCRR.
- 7.5.5. I have considered the application drawings for the GCRR and note that the route boundary encroaches to the eastern portion of the site. In this respect I note the comments of the project designer, that the boundary of the site marginally overlaps the fence line of the GCRR but that the proposal itself does not conflict with the GCRR.
- 7.5.6. The development includes a 900mm boundary wall along the north site boundary, set behind the pedestrian pavement. The primary access to the site appears to abut the realigned Briarhill Industrial Park access road but, in view of the comments provided by ARUP, I am satisfied that the proposal does not impinge on or jeopardise the delivery of the GCRR.

7.6. Traffic, Access and Parking

- 7.6.1. The development includes access from within Briarhill Business Park. The main access is to the north and it provides access to the hotel entrance area and main car park. There is a secondary access to the west, which provides access to a smaller car park and a further access to the south provides access to an additional small parking area. The development includes 193 No. car parking spaces, together with bicycle parking spaces. A Transportation Assessment Report and Preliminary Mobility Management Plan was submitted with the application.
- 7.6.2. At the AI stage the applicant proposed the incorporation of a shuttle bus service, which the AI submission document states would serve the City Centre and Parkmore area and which would be available on an on-demand basis.
- 7.6.3. The appellant, Helen Duffy Fahy, expresses concern that Briarhill Business Park can be difficult to enter/leave at peak times, that parking proposals are inadequate and that the local road network cannot accommodate traffic arising from the development.

- 7.6.4. Regarding parking proposals, Table 11.5 contains parking standards for various forms of development. For hotel developments it requires that parking be provided at a rate of 1 space per bed but with additional requirements for elements such as restaurants, bars and lounges, function rooms, etc. As part of its assessment of the application, the Planning Authority expressed concern regarding parking proposals at both the AI and CAI stages, advising at both stages of the requirement to provide 301 spaces in total.
- 7.6.5. I have given consideration to the requirements of the CDP and also NPO 13 of the National Planning Framework, which outlines that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. The Galway Transport Strategy also promotes modal shift towards sustainable travel forms and reducing dependency on the private car, by controlling access to car parking in the city. In my opinion, in view of the proximity of the site to public transport, a parking ratio of 1.03 spaces per bedroom is adequate.
- 7.6.6. Regarding accessing the site from Parkmore Road, the Transportation Assessment Report and Preliminary Mobility Management Plan assesses the capacity of the junction of Briarhill Business Park and Parkmore Road using PICADY software, with an opening year of 2022 and design year of 2037. In both scenarios the junction is shown to operate well below its capacity, with a maximum RFC of 0.32 during the AM peak and a maximum RFC of 0.64 during the PM peak for 2022 and with a maximum RFC of 0.47 during the AM peak and a maximum RFC of 0.85 during the PM peak for 2037.
- 7.6.7. For the 2037 scenario, the B-A junction stream (traffic turning southbound onto Parkmore Road) is shown to be approaching operational capacity, but it remains below capacity. Given the layout of the junction, this may also give rise to queueing for northbound traffic, but I am satisfied from the information available to me that any delays fall within acceptable limits.
- 7.6.8. I am aware of the appellant expresses concern that Briarhill Business Park can be difficult to enter/leave at peak times but the submission is not supported by any evidence that would cause me to question the assessment provided with the application. From the information available to me, I am satisfied that the Briarhill Business Park junction can accommodate development traffic.

- 7.6.9. Regarding traffic levels more generally, the Report includes a survey of traffic levels of local roads from November 2019 and models trip distribution from the development in the opening year of 2022 and design year of 2037. It can be seen from the distribution model that Parkmore and Monivea Roads are predicted to experience increased traffic levels in the period up to 2037, with the proposed development contributing low numbers to background traffic levels. The development is predicted by the TRICS database to generate 55 two-way movements in the AM peak and 49 two-way movements in the PM peak. In both the 2022 and 2037 scenarios, the development is predicted to give rise to a very low increase in background traffic levels.
- 7.6.10. The shuttle bus service proposed as part of the AI response has been proposed in outline form and no additional details have been provided. Such a service will assist in reducing the demand for parking on the site, will reduce trip generation and will also improve connectivity to the city centre. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agreement proposals for the provision of a shuttle bus service.
- 7.6.11. The road network in the vicinity of the site is a well-known traffic hotspot and the applicant acknowledges that Parkmore Road experiences moderate to heavy traffic during peak periods. The Transportation Assessment Report and Preliminary Mobility Management Plan does not contain an assessment of junction capacity at the junction of Parkmore Road and Monivea Road. In view of the heavily trafficked nature of the road network in the area, the Board may wish to clarify whether the junction will operate within or over its capacity in the opening and design years.
- 7.6.12. I note appellant comments regarding the proposed mobility management plan and I am inclined to agree that the absence of connectivity to the main part of the city will impact options for access on foot or by bike. This limited connectivity to the surrounding area means the development is likely to be car and public transport dependent. Notwithstanding this, the implementation of a mobility management plan for staff will assist in encouraging access by active or sustainable transport means, potentially reducing traffic movements. In this context, I recommend that if the Board decide to grant permission, a condition be attached requiring the applicant to implement a mobility management plan as part of the development.

7.7. **Drainage**

Surface Water Drainage

- 7.7.1. Surface water is proposed to drain via attenuated discharge to an existing private surface water network, which is to the east of the site. An Engineering Services Report was submitted with the application and it states that the drainage network drains by gravity before discharging to the public sewer on Bothar na dTreabh. Drawing No. P5000751C-001 indicates that the existing surface water pipe routes adjacent to the eastern site boundary and encroaches into the eastern-most extent of the site.
- 7.7.2. The appellant, Helen Duffy Fahy, contests statements made within the Engineering Services Report regarding the make-up of the existing drainage system and states that does not connect to the public sewer. She further submits that the system is inadequate to serve the development.
- 7.7.3. The issue of the system make-up and its adequacy to accommodate the development was clarified by the Planning Authority at both the AI and CAI stages and, in response, the applicant provided evidence of a survey undertaken by Murphy Geospatial, including a CCTV survey, which confirms the existing surface water catchment extent and pipe sizes. The submission states that surface water network has sufficient capacity to accommodate the proposed development.
- 7.7.4. From the information available to me, I am satisfied that the applicant has demonstrated that the existing surface water drainage system is adequate and has capacity to accommodate surface water run-off from the development. Whilst I note the appellant's submissions and concerns in this respect, the appeal does not contain any additional information that would cause me to question this aspect of the development. I note in this respect that the Planning Authority did not object to this aspect of the development.

Foul Drainage

- 7.7.5. The Engineering Services Report states that it is proposed to provide a new wastewater pumping station on the site to discharge to the Irish Water network approx. 450m north-west. A rising main connection to the public sewer off site is also proposed.
- 7.7.6. The appeal documents provided by the Planning Authority include the cover page of a submission from Irish Water dated 2nd September 2020 but the main body of the submission was not provided. The Planning Authority's report indicates that Irish

Water did not object to the development, subject to conditions. In any case, I note that as part of the AI submission the applicant provided a pre-connection enquiry response from Irish Water dated 22nd September 2020, which states that the public network has capacity to accommodate the development.

7.7.7. I am satisfied, from the information available to me, that there is capacity in the public network to accommodate the proposed development.

7.8. Other Issues

7.8.1. Regarding the requirements of condition No. 4 of the Planning Authority's decision, which have been appealed by the applicant, given the zoned context of the site and urban location of the site I see no reason to limit the proposed gym facility to use by hotel residents only. Gym facilities are commonplace as part of hotel developments and provide a wider benefit to the surrounding community. I am therefore satisfied that a gym facility as part of the proposed development is acceptable under the zoning.

7.8.2. The Chief Fire Officer submission on the application states that the development does not comply fire safety requirements, with reference to firefighting access. As part of the AI submission the applicant provided a Fire Safety Strategy, prepared by Ryan & Associates Consulting Engineers, which contains recommendations for the internal building layout. The Board will note that the Chief Fire Officer did not comment further on the application, following receipt of the AI response. Notwithstanding this, fire safety is controlled under separate legislation and the development, if permitted, will require a fire safety certificate. I am satisfied that there are adequate means by which to ensure compliance with fire safety regulations.

7.8.3. Concerns have been expressed that landscaping proposals fail to provide a high-quality environment for guests and that the external area is dominated by surface car parking spaces. The Board will note that a landscaping plan was submitted with the AI response and the AI Architecture Response Document discussed proposed landscaping in detail. The landscaping plan does not contain detailed planting proposals, but it demonstrates the principles to be incorporated into the development and I am satisfied that it demonstrates a high-quality external environment can be provided. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree detailed landscaping proposals with the Planning Authority, prior to the commencement of development.

- 7.8.4. Concerns have also been expressed regarding noise impacts for hotel guests, given the proximity of the site to Bothar na dTreabh. Whilst I accept that some noise is inevitable in this location, I don't share the appellant concerns that it would be undue or unacceptable. I do not consider it would be justified to refuse permission for a development on this suburban site arising from noise associated with traffic.
- 7.8.5. Regarding the concerns that the development would devalue property in the area, I have assessed the merits of the proposal and consider that the development would not give rise to any unacceptable impacts for adjacent property. I therefore see no basis for concerns regarding devaluation of property.

7.9. **Appropriate Assessment**

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.9.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.9.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.9.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.9.5. The development is described at Section 2 of this Report. In summary, permission is sought for the construction of an 8-storey over basement, 186 No. bedroom hotel with a gross floor area of 12,478sqm. Also included are below ground pool plant equipment,

tank room, standby generator and pumping station, new guest vehicle entrance, car parking spaces, service entrance, cycle parking and associated development works. The site has a stated area of 0.98ha and is located at Briarhill Business Park, in a suburban area north-east of Galway City Centre. Foul water is proposed to drain to the public network and surface water is proposed to drain via attenuated discharge to the public network.

European Sites

- 7.9.6. The site is not located within or adjacent to any designated European site. The closest such sites are Inner Galway Bay SPA (Site Code 004031) and Galway Bay Complex SAC (Site Code 000268), which are 3.2km south-west.
- 7.9.7. Other sites within a 15km search zone include: -
- Lough Corrib SAC (Site Code 000297), c.4.7km south-west
 - Lough Corrib SPA (Site Code 004042), c.6km west
 - Lough Fingall Complex SAC (Site Code 000606), c.13km south
 - Rahasane Turlough SPA (Site Code 004089), c. 15km south-east
 - Rahasane Turlough SAC (Site Code 000322), c. 15km south-east.
- 7.9.8. There are no open watercourses or drains on or in the vicinity of the site. Available EPA drainage mapping indicates that the nearest watercourse to the site is the Terryland Sandy River, which is c.2.4km west.
- 7.9.9. The site is in an urban location, within an established business park that contains a surface water drainage network. The application documents include survey details of this system and indicate that it ultimately drains to the public network. In view of this, together with the separation distance between the subject site and any European site, I am satisfied that there is no hydrological connection to any European site within the search zone.
- 7.9.10. I am also satisfied that the site, which has a gravel hardstanding base and is partly overgrown, does not contain any suitable ex-situ habitat for species of conservation interest within a European site.

Screening Determination

7.9.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.9.12. This determination is based on the following:

- The absence of a drain or open watercourse from the site and the considerable separation distance between the subject site and any European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the proposed development, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the Enterprise, Light Industry and Commercial zoning that applies to the site under the Galway City Development Plan 2017-2023 and having regard to the suburban location proximate to Galway City and the character and pattern of commercial development in the vicinity of the site, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the visual amenities of the area, would not unduly impact on commercial property in the vicinity and would not result in the creation of a traffic hazard and would, therefore, be in accordance with proper planning and sustainable development.

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 additional information submitted on 21 st July 2021 and 30 th November 2021, 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
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the applicant shall submit and agree proposals for the provision of a shuttle bus service, which shall connect the proposed development, the city centre and the surrounding area.</p> <p>Reason: In the interests of sustainable development and to facilitate access to the site by alternative means to the private car.</p>
3.	<p>Prior to opening of the development, a mobility management strategy shall be submitted to and agreed with the Planning Authority. This shall provide incentives and encouragement for use public transport, cycling, walking and car pooling by staff employed by the development and to reduce and regulate the extent of staff car parking.</p> <p>Reason: In the interests of promoting the use of sustainable transport modes.</p>
4.	<p>The design and layout of the access to the site, including visibility splays, shall comply with the requirements of the planning authority and shall incorporate <i>Design Manual for Urban Roads and Streets</i> (2019) place-making principles, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p>
5.	<p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p>

6.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p>
7.	<p>External lighting shall be provided in accordance with a lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of suitable transportation.</p>
9.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended construction practice, noise and dust management measures, traffic management, parking proposals for construction workers on the site, storage of materials and storage and disposal of waste within the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
10.	<p>Prior to the commencement of development the applicant shall engage with the Irish Aviation Authority regarding the use of cranes as part of the construction phase, to agree an obstacle lighting scheme as necessary. A copy of any such agreement shall be provided to the Planning Authority.</p>

	Reason: In the interests of public safety.
11.	<p>During the construction phase the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>All service cables etc. associated with the proposed development shall be run underground within the site.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
14.	<p>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.</p>

	<p>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.</p>
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Barry O'Donnell
Planning Inspector

25th November 2022.