



## Development

Under the proposal, the following items are proposed for retention:

- The change of use of part of the former driving range to a leisure and wellness facility,
- The enclosure of bays 1 and 2 of the former driving range building,
- External alterations elsewhere to this building,
- The upgrade of the building and ancillary areas,
- The provision of a freestanding sauna and decking, and
- The installation of signage.

Under the proposal, the following items are proposed:

- The change of use of the remainder of the former driving range to a leisure and wellness facility,

- The upgrade of the building and ancillary areas, including the enclosure of the remaining bays of the former driving range building, and the development of a new café/retail area within this building.

<b>Location</b>	Former Salthill Driving Range, Salthill, Galway
<b>Planning Authority</b>	Galway City Council
<b>Planning Authority Reg. Ref.</b>	22/192
<b>Applicant(s)</b>	Clearwater Ventures Ltd
<b>Type of Application</b>	Retention permission and permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	Clearwater Ventures Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> December 2022
<b>Inspector</b>	Hugh D. Morrison

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## 2.0 Site Location and Description

- 2.1. The site is located 1.9km to the west of the centre of Salthill, in a position just to the east of Rusheen Bay. This site lies between the R336 and Galway Bay. It is continuous with Galway Golf Club to the east, which straddles the regional road. The site is accessed off a cul-de-sac from the R336, which also affords access to holiday caravan sites to the north and west of the site and which connects with a public footpath/cycleway that runs eastwards along the seafront.
- 2.2. The site itself is roughly triangular in shape, and it extends over an area of 0.38 hectares. This site occupies the north-western portion of the former Salthill Driving Range, and it comprises the building that served this Driving Range and the accompanying car park. The building is composed of two single storey, flat roofed, rectangular forms, one of which includes a basement, and an open-fronted single storey curved form, which is sub-divided into twelve south-east facing bays.

## 3.0 Proposed Development

- 3.1. Under the proposal, the following items are proposed for retention:
- The change of use of part of the former driving range to a leisure and wellness facility, i.e., a yoga and gym over 312.57 sqm,
  - The enclosure of bays 1 and 2 of the former driving range building by means of the installation of windows and doors to the open fronts to these bays,
  - External alterations elsewhere to this building to windows and doors and the provision of a wheelchair ramp,
  - The upgrade of the building and ancillary areas,
  - The provision of a freestanding sauna and decking, and
  - The installation of signage on the rear elevation of the building.
- 3.2. Under the proposal, the following items are proposed:
- The change of use of the remainder (522.78 sqm) of the former driving range to a leisure and wellness facility,

- The upgrade of the building and ancillary areas, including the enclosure of the remaining bays of the former driving range building by means of the installation of windows and doors to the open fronts to these bays, and the development of a new café/retail area within this building.

## 4.0 Planning Authority Decision

### 4.1. Decision

Planning permission was refused for the following reasons:

1. As permanent uses, the leisure and wellness uses proposed for retention and expansion would be incompatible with the RA zoning objective of the site, which is primarily for outdoor recreation. These uses would be neither outdoor recreational ones nor secondary to outdoor recreation ones and so, if permitted, they would materially contravene the zoning objective and set an adverse precedent for non-conforming uses on the site.
2. The applicant has not demonstrated that the operation of the leisure and wellness uses, and the intensity of traffic movements generated thereby, would not prejudice CDP policies for a greenway/cycle network.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

See decision.

#### 4.2.2. Other Technical Reports

- HSE Environmental Health: Standard advise on kitchen, toilet, and staff facilities.
- Galway City Council:
  - Drainage: No objection.
  - Transportation: No objection, subject to conditions.

## 5.0 Planning History

Site:

- 88/412: Golf driving range, ancillary facilities, and septic tank: Permitted at appeal PL5.77929.
- 93/077: Two go-cart tracks: Permitted.
- 93/668: Basement for office, workshop and storage area, and boundary fence: Retention permission granted at appeal PL61.092932.
- 10/147: Removal of high-level safety netting around the perimeter of the golf driving range and its replacement with new posts and netting: Refused.
- 10/357: Removal of high-level safety netting around the perimeter of the golf driving range and its replacement with new posts and netting: Permitted.
- Enforcement enquiry concerning use of former golf driving range: Warning letter issued.
- Section 5 declaration concerning use of former golf driving range.

The Spinnaker House Hotel site to the north-east:

- 08/194: Mixed-use redevelopment to provide a part three/part-four storey building (over basement car park) for a 26-bed hotel and 16 apartments: Permitted and subject of time extension (13/329), which has lapsed.

## 6.0 Policy and Context

### 6.1. Development Plan

Under the Galway City Development Plan 2023 – 2029 (CDP), the site lies within an area that is zoned recreation and amenity (RA), wherein the objective is “To provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity.” Uses which are compatible with and contribute to the fulfilment of this objective lie within the overarching category of outdoor recreation. Uses which may contribute, depending on location and scale of development, include development of buildings of a recreational, cultural, or educational nature, or car parking areas

related to and secondary to the primary use of land/water body for outdoor recreation.

The road that serves the site is identified as being part of an indicative greenway cycle network, and the regional road to the north (R336) is identified as having views and prospects. Policy 5.7.1 seeks to “Protect views and prospects of special amenity value and interest, which contribute significantly to the visual amenity and character of the city, through the control of inappropriate development.”

The Planning Authority’s second reason for refusal cites Policies 3.6 and 4.5.1 of the previous CDP, which addressed cycling and walking, and community spaces, greenways, and public rights of way. These Policies are paralleled in the current CDP under Policies 4.4 and 5.5.

## **6.2. Natural Heritage Designations**

- Galway Bay Complex SAC (000268)
- Inner Galway Bay SPA (004031)

## **6.3. EIA Screening**

The proposal is essentially for a continuation and expansion of a change of use of an existing building and as such it is not a project for the purpose of EIA.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

The applicant begins by describing the site and summarising its planning history. It also provides an overview of national, regional, and local policies and objectives that support the provision of recreational facilities. Additionally, attention is drawn to Policy 10.3 of the CDP, which addresses Salthill and the importance of its recreation and amenity roles. Attention is also drawn to two specific objectives:

- 10.5.24 “To prepare a strategy for the long-term improvement and enhancement of the Salthill Promenade”, and

- 5.10.27 to “Develop a Community Centre/Sports Hall, a swimming pool with associated ancillary facilities on a phased basis adjoining and linked with the existing changing rooms at Doughiska on RA zoned lands.”

In relation to 5.10.27, the question is asked as to how this specific objective can be reconciled with the RA zoning of the site, and why, in the light of this specific objective and the envisaged precedent that it would establish, the Planning Authority came to refuse the current proposal.

The applicant proceeds to respond to the Planning Authority’s reasons for refusal as follows:

In relation to the first reason:

- The site lies to the west of Salthill Promenade. It was last used for a commercial leisure use, and, under the proposal, its vacant building would be regenerated for another commercial leisure use, in accordance with Policy 10.3 of the CDP. The RA zoning objective for the site would be fulfilled thereby.
- The change of use envisaged is not considered to be significant, i.e., from a golf driving range to a leisure and wellness facility. Thus, the former use was based in the building with the accompanying green space being used to hit golf balls into, while the latter use would utilise the green space for (a) an outdoor sauna pod, (b) when weather permits the holding of outdoor yoga classes, and (c) at all times a pleasant vista for users of the building. The opportunity would also exist for say walking clubs of elderly people to use the green space.
- The proposed café would, like its predecessor during the golf driving range use, be ancillary to the leisure and wellness facility.
- Attention is drawn to the Board’s decision to grant permission for Blackrock Cottage on Salthill Promenade (ABP-304163-19). This development is for a café and bicycle repair shop adjacent to the Blackrock diving tower. While the Planning Authority refused permission on the grounds that the RA zoning objective would be contravened, the Board considered that the stated uses would be compatible with and complementary to this objective. The applicant



considers this development to not only be a precedent but, as its current proposal would be more closely aligned again to the RA zoning objective, one that would be exceeded.

- A further precedent is cited in Renmore, where the Kingfisher Gym lies within lands that are zoned RA.

In relation to the second reason:

- The proposal would not generate an increase in traffic movements over those that occurred under the previous use of the site. No additional parking would be provided, although one space would be reconfigured as a mobility impaired one. Cycle parking would also be provided, i.e., 22 no. covered stands, and shower facilities. The nearby R336 is a bus route. Sustainable modes of transport thus exist and would be promoted, e.g., the provision of cycle stands would facilitate cycling and the use of the proposed greenway cycling route.
- The applicant's traffic and transport consultant has drawn attention to relevant policies in the CDP, which propose a greenway pedestrian and cycle route that would pass by the site. The proximity of this route would promote walking and cycling on the part of patrons and 10 staff of the leisure and wellness facility.
- Only a nominal increase in traffic movements is anticipated and certainly nowhere near an increase of 10% along the R336, which would give rise to the need for a Traffic Impact Assessment.

## **7.2. Planning Authority Response**

While a response was received, it arrived outside the statutory time period.

## **7.3. Observations**

None

## **7.4. Further Responses**

None

## 8.0 Assessment

8.1. I have reviewed the proposal in the light of the National Planning Framework 2040, the Regional Spatial and Economic Strategy Northern and Western Region 2020 – 2032, Galway City Development Plan 2023 – 2029, the planning history of the site, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Planning history, land use, and zoning,
- (ii) Visual amenity,
- (iii) Traffic,
- (iv) Water, and
- (v) Appropriate Assessment.

### **(i) Planning history, land use, and zoning**

8.2. The planning history of the site indicates that it was developed previously to be part of a larger site that was used as a golf driving range. This use of the overall site for outdoor recreation has been acknowledged by its recreation and amenity (RA) zoning in successive CDPs. (This zoning extends to the east to cover the adjoining Galway Golf Club course, too). The golf driving range use has now ceased and the site, including the building upon it, was vacant until the applicant began to use part of the building as a leisure and wellness facility. Under the proposal, the applicant seeks to retain this use and the physical works that facilitate it and expand the same with accompanying works to the building.

8.3. The RA zoning objective for the site is “To provide for and protect recreational uses, open space, amenity uses, natural heritage and biodiversity.” Uses which are compatible with and contribute to the fulfilment of this objective lie within the overarching category of outdoor recreation. Uses which may contribute, depending on location and scale of development, include development of buildings of a recreational, cultural, or educational nature, or car parking areas related to and secondary to the primary use of land/water body for outdoor recreation.

8.4. The submitted plans indicate that, whereas the applicant owns the overall site that was previously in use as the golf driving range and the adjoining site of The

Spinnaker House Hotel, it has only included within the application site the building and the accompanying car park, i.e., the north-western portion of the lands in its ownership. Accordingly, the large area of green open space is excluded from this site. At the appeal stage, the applicant has indicated that this open space would be capable of being used on fine days for yoga classes and that it could possibly be made available to elderly walking groups. However, as it has been specifically excluded from the application site, I do not consider that its use in these respects can be taken into account under the current proposal.

- 8.5. The Planning Authority's first reason for refusal arises from the material contravention of the RA zoning objective that occurs under the current proposal. Thus, under the RA zone, outdoor recreational uses are acceptable, whereas recreational buildings are only acceptable if they are secondary to the primary outdoor recreational use. Under the proposal, a building, which formerly played a secondary role to the golf driving range, would now be used as a standalone leisure and wellness facility and, as such, it would have no functional relationship with the remainder of the lands which were formerly used for the golf driving range. The use of this building as envisaged would mean that it would no longer be available to serve any resumption of outdoor recreation on the greater part of the original site. It would also have implications for access to this part of the original site from the cul-de-sac off the R336, as such access to the existing car park lies within the current application site. Accordingly, the separation of the building and car park would militate against the resumption of outdoor recreation on the overall original site. Alternatively, it may lead to pressure for alternative ancillary facilities to serve such resumption, e.g., access, car park, and building, risking an otherwise avoidable loss of open space.
- 8.6. The applicant has responded to the Planning Authority's first reason for refusal by emphasising the similarities between the former use of the site and the one now proposed, i.e., both are commercial leisure uses, and the contribution that its use would make to Salthill, i.e., it would be instrumental in bringing a vacant building back into use as a leisure and wellness facility that would increase the amenity attractions of Salthill.
- 8.7. I note that with respect to the similarities between the two uses, what is of greater significance when considering the RA zoning is whether they are outdoor

recreational uses. Clearly, the former use was, while the latter would not, given the extent of the application site, be such a use. I note, too, that, while the objective of increasing the amenity attractions of Salthill is supported by the CDP, it cannot be reasonably construed as overruling the RA zoning objective of the site.

8.8. The applicant also cites several precedents for its proposal.

- Firstly, the CDP's specific objective 5.10.27 for a community centre/sports hall/swimming pool on RA zoned lands in Doughiska indicates that the RA zoning objective set out above can be overruled and so, if there, why not in Salthill? I note that this objective has no parallel in the CDP as far as the applicant's site is concerned. I note, too, that the RA zoned lands are more extensive than the lands that are the subject of the specific objective. These lands are in use for outdoor recreation and the development envisaged by the specific objective could, at least in part, fulfil a secondary role to their use as such.
- Secondly, the Board's decision on Blackrock Cottage (ABP-304163-19). This development was for the refurbishment and extension of a derelict cottage for use as a café/restaurant and the construction of a single storey building for use as bicycle repair shop. It was refused by the Planning Authority partly on the grounds that it would materially contravene the RA zoning objective. However, the Board took the view that the proposed uses would comply with this objective. Insofar as they could be regarded as serving the needs of pedestrians and cyclists using Salthill Promenade, they would be secondary to these outdoor recreational uses. While the applicant may see a parallel, insofar as patrons and staff could walk and cycle to the proposed leisure and wellness facility, a distinction could be made between such "means-to-an-end" journeys and walking and cycling as outdoor recreational activities in their own right.
- Thirdly, attention is drawn to the Kingfisher Gym, which is on RA zoned lands in Renmore. Again, while I have no specific knowledge of these lands, I note that they do include a playing pitch and so the possibility exists that the Gym in question has a functional relationship with this adjoining playing pitch.

I do not consider that the cases cited by the applicant provide any binding precedent with respect to the current proposal.

- 8.9. While not raised by the applicant, I have reviewed the proposal in the light of the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 – 2022, to see if there are grounds upon which the Board could reasonably overrule the material contravention of the RA zoning. I do not consider that there are.
- 8.10. The proposal would also entail the inclusion of a café/retail area on an ancillary basis to the use of the site as a leisure and wellness facility. If the Board is minded to grant permission to this facility, then the inclusion within it of this café/retail area, provided it was on an ancillary basis only and thus restricted to patrons and staff of the facility, would be acceptable.
- 8.11. I conclude that the proposal would materially contravene the RA zoning of the site in the CDP.

**(ii) Visual amenity**

- 8.12. The proposal would entail the retention of works carried out to enclose bays 1 and 2 of the building on the site, incidental alterations and the installation of signage elsewhere on this building, and the provision of a freestanding sauna and decking. This proposal would also entail the enclosure of the remaining bays 3 – 12.
- 8.13. During my site visit, I observed the works carried out to the existing building. I noted that the joinery used to date to enclose the bays is black in colour, whereas the bays were originally white throughout. I consider that the specification of white rather than black joinery would be appropriate in these bays and in those proposed for enclosure, in order to respect the character of the original building within its seaside context. I noted, too, the signage above bays 1 and 2, which is remote from any public vantage point surrounding the site. In these circumstances, I consider that such signage is unnecessary and so should be omitted. If the Board is minded to grant permission, then a condition could be attached to allow the applicant to submit a scheme for signage that would be visible from the cul-de-sac adjoining the site, if that is deemed to be needed.
- 8.14. The freestanding sauna and decking utilise a container and extensive timber work. This structure and the use of timber would be inherently temporary in nature. I, therefore, consider that, if the Board is minded to grant permission, then the sauna

and decking be conditioned for 5 years at least initially, to allow the Planning Authority the opportunity to review their future state of repair.

- 8.15. I conclude that the proposal would, subject to conditions, be compatible with the visual amenities of the area.

**(iii) Traffic**

- 8.16. The former use of the site as a golf driving range would have generated vehicular traffic movements along the cul-de-sac to the site from the R336. The use of the site as a leisure and wellness facility, now proposed for retention and expansion, would likewise generate traffic movements. The applicant states that the number of such movements would be comparable, i.e., any increase would be nominal.
- 8.17. I note that the current use of the site is advertised as typically being open in the morning and in the evening, e.g., opening at 06.30 and closing at 21.15. I note, too, that, whereas opening times of the former golf driving range have not been disclosed, it is likely that they would have entailed later opening and earlier closing times. Overall opening hours would, therefore, be likely to be comparable.
- 8.18. While the applicant does not propose to increase the number of formally laid out car parking spaces on the site, it does propose to provide 22 no. covered cycle stands along with shower facilities. It draws attention to the public footpath and cycleway at the end of the cul-de-sac, which serves the site. This footpath/cycleway continues to the east to join Salthill Promenade. It also draws attention to the incidence of bus routes along the R336. Accordingly, sustainable modes of transport are/would be available to patrons and staff and the applicant proposes to promote the use of such modes.
- 8.19. During my site visit, I observed that the cul-de-sac is laid out as a single lane carriageway only and so it effectively serves as a shared surface. Under the CDP, this cul-de-sac is shown as forming part of an indicative greenway cycle network. It is therefore understandable that the Planning Authority should be concerned about its increased usage by vehicular traffic. From the information before me, I consider that the applicant's contention that vehicular traffic movements would be broadly comparable with those arising under the former use of the site is reasonable. I consider, too, that the sustainable transport modes identified by the applicant would, at least for some patrons and staff, be feasible alternatives to the use of vehicles.

8.20. I conclude that the proposal would not raise any new traffic issues.

**(iv) Water**

8.21. Under the proposal, the building on the site would continue to be served by the public water mains and the public foul and stormwater sewerage system.

8.22. Under the OPW's flood maps, lands to the west and south-west of the site are shown as being at risk of coastal flooding. However, the site itself and the cul-de-sac to it from the north are not shown as being at risk.

8.23. I conclude that, under the proposal, no water issues would arise.

**(v) Appropriate Assessment**

8.24. The site is neither in nor beside a European site. The nearest European sites are in Galway Bay to the south of the site. The proposal is essentially for a change of use of the building, which formerly served a golf driving range, to a leisure and wellness centre. The servicing of this building would remain as at present. Accordingly, no appropriate assessment issues would arise.

8.25. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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.

## **9.0 Recommendation**

That permission be refused.

## 10.0 Reasons and Considerations

Having regard to the Recreation and Amenity (RA) zoning of the site in the Galway City Development Plan 2023 – 2029, it is considered that the proposed retention of a partial change of use of the building on the site and the proposed expansion of this change of use throughout the entire building would materially contravene the RA zoning objective for the site, as it would entail the use of this building as a standalone leisure and wellness facility with no functional relationship with any outdoor recreational use of the remainder of the lands zoned RA, which were last used, along with the building, as a golf driving range. Accordingly, the use of the building now envisaged would neither be an outdoor recreational use, nor would it support such a use, and so it would materially contravene the RA zoning objective for the site and thereby be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

16<sup>th</sup> February 2023