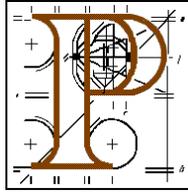


## An Bord Pleanála



## Inspector's Report

**Development:** Mixed development comprising office units, boutique hotel, retail, car park and alterations to bridge wall at North Quay, Carrick on Suir, Co. Tipperary

### Planning Application

Planning Authority: Carrick on Suir Town Council  
Planning Authority Reg. Ref.: 05/74  
Applicant: John Dineen  
Type of Application: Permission  
Planning Authority Decision: Grant Permission

### Planning Appeal

Appellants: 1. James Gilligan and John Walsh  
2. Sylvia Cooney-Sheehan  
Observers: None  
Type of Appeal: Third Party v. Grant.  
Date of Site Inspection: 26/ 01/2007

**Inspector:** Mairead Kenny

## **INTRODUCTION**

There are two current appeals relating to an overall holding, which is known as the Goldcrop site in the centre of Carrick on Suir. PL44.219633 relates to a mixed-use development comprising office, retail and 77 no. apartments and associated car parking as well as a new road on the eastern side of the Goldcrop site. The subject appeal relates to a mixed development which is referred to by the first party as the Business Centre.

## **SITE LOCATION AND DESCRIPTION**

The site is of stated area of 3019 square metres. It is bounded to the south by North Quay, to the west by Dillon Bridge, to the east by other lands in the applicant's ownership as well as lands in the ownership of a third party, Mr. Fogerty. To the north is the rear of a number of properties including a single storey cinema adjoining the public road to the west and other commercial properties on the main street to the north. Buildings on-site include a range of grain storage structures, a modern warehouse, and a stone warehouse building which is located at the west of the site. At the opposite side of Dillon Bridge is a protected structure, a former religious building which looks to be at least partly vacant at present. The adjoining public roads are at significantly different levels and in this regard there is a pedestrian crossing from the upper level, Dillon Bridge, to the second floor of the stone warehouse building. The existing buildings are currently in use associated with the storage of timber fencing and garden and landscaping structures. The main access to the premises is shared between the current site and the eastern part of the landholding and there is also access to the Fogarty property at this location from the North Quay at the lower level adjoining the river Suir. Vehicles accessing the site have a choice of either travelling down Castle Lane and from there along the North Quay or, when approaching from the west taking the North Quays from beyond Dillon Bridge or passing down Barrack Lane. In all cases vehicles entering onto the site from the west have to negotiate a route under the bridge arches.

Dillon Bridge is the primary route for vehicular transport travelling from the southern part of Carrick on Suir, known as Carrickbeg to the main commercial area. Carrickbeg is mainly residential and the northern part of the town contains the majority of the commercial uses. The site therefore commands a very prominent location and it is visible from the main street and from the south side of the town in particular.

Photographs taken at the time of my inspection are attached to the rear of this report.

## **PROPOSED DEVELOPMENT**

The proposed development as described in the public notices submitted to the Planning Authority with the original application comprises:

- Demolition of existing buildings and construction of 5-storey multi-use building

- Uses to include office units, a 14-bedroom hotel with restaurant/bar and waterfront terrace, service areas, 6 no. retail units, a health suite, gymnasium, 91 car parking spaces and 16 surface car parking spaces as well as alterations to bridge wall to accommodate new vehicular set down area.
- Stated gross floor area of entire development (excluding car parking) is 7,582 square metres.
- The car parking is intended only to cater for needs arising from the development and would not generally be open to the public for use.

The proposed development was subsequently revised by way of submissions following a request for further information and a request for clarification of additional information responses to which were received on 21/4/06 and 19/7/06. The revised scheme, which is before the Board for consideration, provides for the following:

- Retention of the western wall of the stone warehouse which is to be incorporated into a new building and beside which at ground level a rear access way to the cinema to the north would be retained.
- At the North Quay at ground level are 8 no. duplex office units with own door access, to the front of which is surface parking.
- At this level also is the entrance and exit to the multi-storey car park which is set out over two floors and provides for a total of 91 parking spaces.
- Uses at the second floor are primarily retail units at the western end of the site – these would be accessed by way of a proposed walkway positioned behind the western wall of the warehouse.
- Access from Dillon Bridge through the western wall onto the walkway adjoining the retail units would be by way of a new bridge link.
- The walkway/terrace would continue and extend to the southern part of the site where a second floor terrace adjoining the proposed restaurant and bar and hotel reception would be located.
- To the rear of the hotel reception, restaurant, bar and retail units are the kitchen and service yards as well as fire escape and service lift.
- There is direct pedestrian access by way of the stairs from the eastern end of the site and onto North Quay to the second floor terrace.
- The site levels indicate that the finished floor level of the proposed retail units would be similar to the level of the bridge.

- The finished floor level of the reception area of the hotel which is positioned to the south-west of the site would be elevated above Dillon Bridge by approximately 1.5 metres.
- The third floor level comprises hotel bedrooms at the southern end of the site and consulting rooms and associated area at the western end of the site.
- There is also a roof garden at the third floor level.
- The fourth floor level includes additional bedrooms at the southern part of the site and a gymnasium and reception area along the western part of the development.
- A set down areas for 4 no. cars is indicated on the bridge adjoining the site and to facilitate this development, alterations to the bridge wall will be necessary.
- Boundary treatment between the site and the properties to the north would be in the form of timber fencing where lands adjoin the service and car parking areas.

## **PLANNING HISTORY**

Permission was granted by the planning authority for a development comprising 77 apartments, office and retail units and a crèche on the eastern part of this site – the application is subject of a current appeal as noted in the introduction to this report. Planning reg. ref. 05/75 and PL 44 219633 refer.

There is no other recent relevant planning history related to this site.

Permission has previously been granted by the Board for demolition of existing buildings and construction of a mixed use residential and retail development and conversion of an existing building on site into residential and office uses – a total number of 31 apartments was proposed. The subject site is located to the west of Dillon Bridge and no development has commenced to date. The development provided for the retention and refurbishment of a four storey stone building on the site – the stone building was not listed under the development plan and the site was not within the designated Architectural Conservation Area but two protected structures were in the immediate vicinity of the proposed development. It was considered that the warehouse building being retained as part of the development might have had a connection in terms of its former usage with one of the protected structures, the Bianconi Arch. Planning reg. ref. 67/2003 and PL 44 208589 refers. Conditions attached by the Board included a fairly standard archaeological condition and a requirement regarding the overseeing of aspects of the proposed development by a conservation expert.

## **DEVELOPMENT PLAN POLICY**

Under 2002 Carrick-on-Suir Development Plan the following policies apply:

- SP 2 to ensure that all development protects and enhances the character and appearance of the town centre particularly the areas designated under the Urban Renewal Scheme.
- It is policy to implement the objectives of the Integrated Area Plan for the town which was prepared by CAAS in 1998.
- Appropriate development at the North Quay is essential in order to develop and enhance the quality of the living built environment of the town.
- The Council will seek the renewal of the quays and the re-development of derelict or vacant sites – reuse where possible of existing stone and other materials.
- It is the policy of the Council to preserve the town’s archaeological assets.
- An ACA is designated – the site is not included within this area and there are no protected structures on the overall site. Dillon Bridge is not protected.
- Ormond Castle is a listed building and it is policy to protect this building, to improve its setting and to extend the park .
- Section 3.4 refers to the town centre zoning objective which applies to this site.
- Policy to seek the continued economic growth of the town and to improve its overall perception.
- The town centre has maintained a variety and quality of shopping facilities.
- The Council will promote where appropriate the development of the town centre for improved retail services. Non-retail uses will be limited in the vicinity of Main Street. Such uses will be encouraged into secondary shopping areas.
- The land use zoning objectives are described as general guidelines which related only to land use.
- The Council will have regard to the observations and recommendations of Duchas regarding proposals within areas of archaeological potential.
- Policy to preserve the town’s archaeological assets and the site is within the zone of archaeological potential.
- The location of new retail development is crucial to the long term vitality and viability of the town.
- The objective of the County Retail Strategy will be implemented.

The South Tipperary County Retail Strategy dated September 2003 includes the following statements :

- Deficiencies in good retail floorprints may be deterring the market in Carrick on Suir.
- Should interest emerge there are inherent difficulties in meeting the floorspace needs of the town centre and unless there is land assembly and remodelling of buildings then edge of centre and out of two centre locations will have to be considered.
- In the Strategy the hierarchy is Clonmel as the county town centre below which are the sub-county towns of Carrick on Suir and Tipperary town.

- The overall strategy is to sustain and improve the retail profile and to address leakage, to ensure an equitable and efficient and sustainable spatial distribution of main centres across the county and to confirm a hierarchy.
- The strategy will form part of the County Development Plan when adopted.
- Carrick on Suir is the County's second largest town with third largest retail floorspace – it is neither a hub nor gateway under the National Spatial Strategy.
- There is considerable leakage of comparison expenditure but good retention of both top up and main food shopping spend.
- Up to 2011 there is potential for convenience floorspace to increase by 21% and for convenience floorspace to increase by one third of current provision.
- Policy RS2 is to facilitate and encourage the consolidation and improvement of retailing and other town centre activities in Carrick on Suir ..... to enable enhancement of its role as a key centre in the east of the county.
- In the first instance the priority should be increasing convenience floorspace with a new supermarket within or close to the town centre.
- In turn as the centre improves its profile and attraction will provide the catalyst for encouraging national comparison multiples.
- The asset of heritage and history should be promoted as part of the town centre offer – thus increasing the attraction of the town as a place to shop.
- It is recommended that an audit of land and buildings in and around the town centre be undertaken to identify potential development opportunities to be incorporated in the town's development plan.
- Policy RS6 is to encourage tourist related retail developments.
- Brownfield sites should be favoured over new build options.

The Draft Urban Design Study for Carrick-on-Suir prepared in 1988 by CAAS appears not to have been adopted by the Council as official policy, apart from its inclusion by reference in the current development plan. In relation to the current site it includes reference to the warehouse on the western part of the site as having fine proportions and an excellent riverfront location giving good development potential. In relation to the overall site the study recommends the development of linkages between Castle Street and New Street and in relation to the river frontage it is recommended that a strong built frontage to the river be developed. The overall site is described as having a potentially strong role in renewal and regeneration. It was considered that the quays could accommodate more traffic.

Detailed provisions set out in section 10 for the overall site include :

- Reinforcement of an east west strategy;

- Use of the warehouse building to the west (which is described as being of exceptional architectural value) for cultural / arts use in conjunction with the cinema;
- A new building at the junction of Main Street and Barrack Lane was recommended – this appears to be in reference to the single storey cinema building.

## **DECISION OF PLANNING AUTHORITY**

The Planning Authority decided to grant permission subject to 21 conditions including:

- Details of signage and lighting.
- Archaeology (Condition 12) including a requirement to ascertain prior to demolition if there is mediaeval fabric and to issue a report to the Planning Authority and the Department of Environment, Heritage and Local Government .
- A full building survey of the existing warehouse/granary building to be submitted.
- Night-time noise levels.

## **OBJECTIONS, REPORTS OF PRESCRIBED BODIES AND INTERNAL DEPARTMENTS**

Letters of objection to the Planning Authority included reference to the following:

- Scale and viability of hotel.
- Impact on circulation of large vehicles delivering to the Fogerty property.
- Use of entrance along western boundary.
- Boundary treatment along eastern side of site.
- Proximity of building E to the Fogerty property.
- Parking for delivery vehicles.

The fire officer's reports indicate concerns which as stated have planning implications. These relate primarily to the location of stairs.

An Taisce's report of 13/11/05 states that the site is suitable for a hotel and that new buildings should be designed by qualified architects. It is also stated that an EIS may be required for the two proposals combined.

There are four reports on file submitted by the Department of the Environment Heritage and Local Government and dated 6/12/05, 20/12/05, 15/5/06 and 3/8/06. Amongst the issues raised in these reports include the visual impact on Ormond Castle which is a national monument in ownership of the State. It is stated that visual impacts may arise due to the much larger scale of the proposed structures than the existing pattern of building in the town. It is noted that the site is within the zone of archaeological potential of the town and that the town is on the RMP and is therefore protected under the National Monuments Act. All four reports including the final report refer to the need to undertake a visual impact assessment and the final report reiterates the point that the visual impact assessment on file is not adequate, that such an assessment should be undertaken by a suitably qualified archaeologist and that photomontages should be prepared showing the development included. All reports refer to the need to have this assessment undertaken prior to the making of any decision on the application. The earlier report submitted by the Department of the Environment Heritage and Local Government also referred to the need for an archaeological fabric inspection to check for mediaeval fabric and that this also should be undertaken prior to the making of a final decision and bearing in mind the possibility that a refusal of permission could still be recommended. The final report of 3<sup>rd</sup> of August 2006, does not include any reference to the need for archaeological fabric inspection. The reports do not make reference to the possibility of the town wall which may or may not have existed running through the site. The reports do not indicate any principled objection to the demolition of the stone warehouse/granary building on the west of the site except insofar as mediaeval remains may be extant.

## **GROUNDINGS OF APPEALS**

### **James Gilligan/John Walsh (44 Main Street)**

The main points of this appeal are set out below.

- The Planning Authority failed to address the issue of the viability of the hotel which was raised by us in our letter of objection.
- No assessment of right to light, noise, overlooking to the rear of our property.
- No review of traffic impact on Dillon Bridge – the traffic set down area would seriously disrupt traffic movement from the Waterford side of the river.
- The international design of the hotel makes no reference to the heritage of the riverbank.
- No effort was made to mix materials or to ensure that buildings are of appropriate scale.
- Efforts should be made to retain and reuse the existing building and materials.

- The development will fundamentally alter the streetscape and its riverside in a town which dates to 1366.

### **Councillor Sylvia Cooney-Sheehan**

The main points of this appeal are:

- The economic viability and nature of the proposed hotel is questioned.
- Access to the parking spaces will give rise to congestion and safety concerns.
- The planning report acknowledges that there are unresolved issues regarding Ormond Castle as raised by Department of the Environment Heritage and Local Government.
- The report also notes that the access to the multi-storey car park is not in compliance with NRA standards.
- Also we ask that the scale and design of the proposal be examined.
- An EIS should have been required and it is unclear why the developments were not submitted as one application.

### **RESPONSE TO APPEAL**

The applicant's response to the appeal by Cllr. Sylvia Cooney-Sheehan includes the following points:

- The proposal is to offer high quality accommodation and it is pitched to be different from any of the existing hotels in terms of standard and facilities - a nightclub is not proposed.
- The proposal will sit well with other developments proposed including the large-scale high technology park which will in time employ up to 5,000 people.
- There is no conflict between the main traffic on Dillon Bridge and the main entrance to the car park and the volume of traffic on the quay is minor.
- In addition, provision has been made for traffic calming measures and to control any traffic conflicts as described in Drawing No.3836-P14-B submitted to the Council in April 2006.
- The number of spaces provided in the car park is only in accordance with Development Plan requirements.

- The Council was satisfied with the sight lines following submission of the aforementioned drawing.
- The Planning Authority was satisfied that there would be no impact on views to or from the castle - the site does not have views to the castle.
- The archaeological and Built Heritage assessment set out a number of recommendations including a standing building survey, a full measured survey of the bridge wall, monitoring of the removal of concrete and tarmac on both sites, programme of pre-development testing, all of which was considered by the Planning Authority and referred to the Department of Environment Heritage and Local Government.
- In addition, the Council's request for further information resulted in a proposal to retain a section of the warehouse building.
- Many historical references are included in the scheme such as the arching to the riverside offices and the retention of the warehouse wall and the selective use of materials in cooperation with the Council.
- The development is below the required threshold for an environmental impact assessment.
- The two applications were separately submitted due to the entirely different uses, the physical separation of the site on the ground and the different strategies for the two parts of the site.
- In relation to the Gilligan/Walsh appeal drawing 1717-P-220 demonstrates the relationship of our scheme to the property of Mr. Gilligan and Mr. Walsh.
- The latter property is a business premises and not a residence and should be assessed as such.
- The proposed development is approximately the same height as the existing silo and warehouse building to be demolished.
- The north elevation facing the Gilligan/Walsh property comprises mainly timber cladding to the car park which provides a high degree of privacy and acoustic attenuation from the car park.
- External service areas over the car park are surrounded by a 2.5 metre high wall and the distance from the hotel corridor to the back of the building at the Gilligan/Walsh property is 78 metres.
- The block housing the retail, consulting rooms and gymnasium are screened from the Gilligan/Walsh property by the theatre building.

- The traffic set down for four cars at Dillon Bridge will have a negligible impact on traffic movements on the public roadway and will prevent random double parking.
- The own-door duplex office units on North Quay act as a visual continuation of the bridge and offer a variety of units.
- This element of the building is clad in natural stone and in random pattern.
- The location and mass of the car park resulted in a platform at the level of Dillon Bridge and allowed for the creation of a new pedestrian zone.
- From this level, the building rises three storeys over the level of the bridge and ties in with the building heights on the main street.
- The building is designed as a modern insertion into the fabric of the town but also uses some materials and finishes found in the traditional buildings of the town.
- The sense of arrival on crossing the bridge will be enhanced by passing the new hotel and business centre.
- The scheme will contribute to the development of the town and reinforces the aims, policies and objectives of the Town Development Plan.

## **ASSESSMENT**

Following inspection of the site and the town centre and consideration of the documents on file, the planning history and the current development plan and national policy guidance, I consider that the main issues to be addressed in the appeal relate to :

- Whether the proposed development would conform with the town centre zoning objective and its role in achievement of the objectives of the county retail strategy;
- The visual impact of the development and the layout of the development in terms of connections to the town centre and the river Suir;
- The resolution of the archaeological heritage of the site including the principle of demolition of the stone warehouse;
- Traffic and access issues;
- Other issues including the impact on the adjoining properties.

### **Zoning and Retail Strategy**

In terms of conforming with the Town Centre zoning the proposed uses are all permissible in principle under the development plan zoning matrix. The general thrust of the development is commercial and its location in the centre of the

commercial core would serve to strengthen the role of the town centre and minimises any adverse impacts which might arise. The design proposed would harness the amenity potential of the river through the provision of restaurant and bar facilities with large south facing terrace; this element of the proposal would benefit local residents and tourists and would enhance the image of the town and its attractiveness as a place for shopping and leisure. The bridge level connection of the restaurant and retail level with the town centre will ensure that the proposed development integrates with and supports the traditional main street. The mixed use nature of the scheme will ensure activity by day and night.

I refer the Board to the concurrent appeal for the remainder (eastern section) of the Goldcrop site and to my assessment of that case wherein I concluded that the overall site may have unique characteristics in terms of the opportunity for strengthening and consolidation of the retail sector in the town. The County Retail Strategy has identified the need for an assessment of town centre sites to be undertaken in relation to their retail potential; pending this study I recommend that the Board consider whether or not the current proposal would be deemed premature. Having regard to the nature and design of the current proposal which includes a small multi storey car park I consider that the proposed development would be compatible with the provision of a major retail outlet on the adjoining subject to design modification to optimise use of land and access arrangements. I therefore conclude that the development is acceptable on its own merits and that a grant of permission would not militate against the provision of necessary retail floorspace in the town centre as the proposed uses would be compatible and supportive in nature.

Objectors to the application and appellants are concerned that the proposed hotel is not viable and this appears to be one of the main concerns of the third parties. The applicant indicates in response that the viability of all uses has been researched and that the high quality boutique hotel proposed will benefit the town. While the proposed hotel use is of limited scale I note the absence of any specific development plan policies regarding the provision of a large hotel in the town and there are no national planning guidelines of relevance in relation to the provision of tourist facilities. The decision regarding the scale of the proposed hotel is therefore purely a matter for consideration by the applicant as a commercial decision and it would not be appropriate for the Board to intervene in this matter.

I conclude that the development is in keeping with the town centre zoning for the site, does not materially contravene the development plan and will serve to reinforce the primary function of the town centre.

### **Visual Impact, Principle of Demolition and Layout**

The concerns regarding the visual impact of the development , the principle of demolition of the warehouse and the layout of the scheme are assessed below.

*Visual Impact* The proposed development will occupy a strategic position and I concur with the statement of the appellant that it will fundamentally alter the streetscape and this riverside area in a historic town. However if the Board considers that the partial demolition of the stone warehouse is acceptable, then I submit that the development of a strong and contemporary building as proposed is appropriate for this key site. The height of the proposed building is in keeping with the traditional shopping core and while it dwarfs the cinema building, that property is in need of re-development as has been identified in the CAAS study. The warehouse wall to be retained will provide a link with the past and fulfils the development plan policy objective regarding selection and re-use of materials. The development proposed incorporates further design references in the form of the proposed riverside arches which echo the design of the bridge. The location of the site beside the river means that the development will be seen in the context mainly of an expansive townscape and in this context I consider that the height and mass of the building proposed is acceptable on this site. I conclude that the development is acceptable in terms of its contribution to the streetscape.

*Impact on Ormond Castle* At the time of the decision of the planning authority to grant permission for the proposed development, the request of the Department of Environment, Heritage and Local Government for an archaeological visual assessment of the development remained an outstanding and unresolved issue. The planning authority appeared to take the view that the artists impressions submitted were an adequate response. I concur with the Department in relation to the inadequacy of the visual assessment undertaken by the applicant which lacked any written assessment or accurate visual representations. However, I consider that having regard to the separation of the site from Ormond Castle no significant adverse impact will arise in this respect. The development which exhibits a strong horizontal character will be of different plot width compared with the traditional main street and industrial buildings but it is some distance from the Castle and even when viewed from the south the proposed development will not be considered in the context of the Castle (the same does not apply to the adjoining eastern half of the holding). The development will obscure one view across the site from Dillon Bridge to Ormond Castle. However, this is a glimpsed view which is not of particular significance given the distance involved and the national monument is viewed presently across the brownfield site and from a heavily trafficked route. Any development of significant scale on the adjoining site would also be likely to obscure this view. I conclude that the development is acceptable in terms of its impact on the Castle and that a revised visual impact assessment is not warranted.

*Principle of Demolition* Amongst the third party's concerns in this appeal is the principle of demolition of the proposed warehouse and I would concur that the feasibility of retaining the structure has not been properly investigated by the applicant. I note that the archaeological assessment submitted to the planning authority indicated that this building is of architectural merit and that the earlier report of CAAS also referred to its merits, describing its as being of exceptional architectural merit.

I consider that the character of the town is significantly enhanced by the presence of warehouses close to the river. However, I note that the subject warehouse is not a listed building and is not within an ACA (this would apply to the majority of riverside

warehouses in the town) and that the Department of the Environment, Heritage and Local Government did not recommend that the warehouse be retained. There is a large structural crack in the eastern wall of the warehouse and the applicant's submission to the planning authority describes the western wall as being the only part of the warehouse worthy of retention. The scheme was amended during the course of the application to incorporate the western wall of the stone warehouse. The warehouse walls project above the level of Dillon Bridge by about 4m and notwithstanding its industrial character, which should in general be cherished as part of the town's character, it does not provide a powerful marker to the entry to the town at this critical location. In relation to the issue of whether or not the warehouse should be retained I conclude, notwithstanding the importance of protecting such structures in general in the town, that the warehouse does not significantly contribute to the character of this particular area that it appears to be in poor structural condition and that its demolition is therefore acceptable in principle.

*Layout* The revised scheme incorporates the western wall of the warehouse and allows for a right of way between the warehouse and the bridge to be retained. The right of way would provide access to the cinema building which earlier urban design studies have identified as being in need of replacement. In the long term the right of way could become an attractive route through to the cinema site and there is further potential for enlivening the area through the opening up of arches in the bridge for commercial use. In the short term however the right of way will be further enclosed through the provision of the overhead walkway; this space and the area between the warehouse wall and the retail units at bridge level and the warehouse wall would require careful treatment to enhance their night-time utility and I recommend the attachment of a condition regarding the lighting of buildings in this regard.

The layout otherwise provides for pedestrian permeability through the site by way of steps from the quay level and from the bridge level by way of the new walkway. The two levels are already connected by way of stone steps incorporated into the bridge and by way of the roads in the area. The provision of commercial uses as well as modern stairs will encourage and facilitate greater pedestrian throughflow. I consider that the development is acceptable in terms of its proposals for pedestrian permeability and that the Board should attach a condition requiring that access through the terrace should be retained on a 24 hour basis.

I conclude that the development is acceptable in terms of the principle of the demolition of the warehouse, the height, design and layout and that it would contribute to the upgrading of the area in urban design terms and would not adversely impact on the Castle, riverside or town's character.

### **Archaeology and related issues**

The site is within the Zone of Archaeological Potential of the historic town and the town is listed on the Record of Monuments and Places as an Historic Town. An archaeological assessment report submitted to the planning authority as additional information sets out the history of the town and refers to the possibility that the site contains the line of a length of town walls; the existence of this wall is speculative as the southern part of the area enclosed may have been marked by the river in lieu of a

town wall enclosure at this location. The archaeologist's report on file gives some weight to the possible existence of the wall as the river would be tidal at this point leaving little defence from the riverside in the absence of a wall.

The archaeological potential of the site would include, in the upper layers, the remains of the most recently demolished buildings which now make up the southern boundary wall and which would be pre-1840s but may contain medieval remains, the warehouse which may contain mediaeval remains. the aforementioned possible town wall and in the southern part of the site, there may be riverine deposits. The Department of Environment, Heritage and Local Government in its reports to the planning authority initially recommended that an assessment be made of the site prior to the final decision and that this would include archaeological testing to ascertain whether there are medieval remains present. This recommendation was not included in later reports and it would appear that the Department of Environment, Heritage and Local Government was satisfied following consideration of the description of the buildings that this matter could be addressed prior to construction. I would not therefore recommend that pre-development testing be requested by the Board prior to the making of a final decision on the appeal.

I conclude that the development is acceptable in terms of its archaeological impact subject to standard conditions.

### **Traffic and access issues**

In relation to traffic and access for vehicles I consider that the two issues of most concern are the location of the car park entrance and the arrangements for deliveries. The appellants have also referred to the proposals to provide a lay-by area on the bridge level.

*Dillon Bridge Lay-by* I consider that on balance the proposed drop off point at the bridge is a positive feature as it will prevent double parking by taxis and other vehicles which would lead to congestion. I also noted at the time of inspection that the eastern side of the bridge did not appear to suffer congestion as once vehicles pass through the traffic lights at Main Street they would have a clear run in the direction of Carrickbeg. I conclude that the appellant has not demonstrated that the set down would seriously disrupt traffic movement at Dillon Bridge.

*Car Park Entrance* The access to the proposed car park at the riverside level has been queried in relation to the likelihood of congestion arising, safety and congestion. The current arrangement is that traffic arriving to the front of the site from a westerly direction either crosses the length of the North Quay or directs from the higher ground to the north by way of Barrack Lane. In both cases cars next pass through one of the arches of the bridge, directly south of right of way to the cinema and yield to the south of the stone warehouse. I would describe the existing access arrangements to the North Quays as awkward but not unsafe given the low level of traffic movements involved. It is however at this location to the south of the existing warehouse that the entrance to the car park would be positioned. A second entrance is proposed to be located to the east to provide for access for delivery vehicles.

The applicant's position is that due to the low levels of traffic on the North Quays and the traffic calming measures set out and the provision of 90 car parking spaces only in the multi-storey car park (to serve the immediate needs arising from the development) and the adequacy of the sightlines, the development is acceptable in terms of traffic safety. It is acknowledged in the applicant's submission that the development does not comply with the NRA sightlines but it is also noted that this is not a national road. As part of the revisions undertaken during the application, ramps are to be installed at a point adjoining the entrance to the car park.

The applicant submitted a Traffic Assessment report to the planning authority on 17/11/05 which addresses the overall development proposed including the site subject of the concurrent appeal. This indicates that only 25% of the traffic will be from the Western Quay the remainder coming from the direction of Castle Lane. Traffic numbers are in the order of 94 vehicles arriving and 94 vehicles departing during the evening peak. These are not significant numbers but in the context of the constraints posed by the Bridge in particular but must be considered in the context of the potential for promoting the riverside location for tourism / recreation. I have also noted above that the access to the rear of the cinema is to be retained. There could in the future be a pedestrian access to that site and the arches may have potential for uses other than storage. It would be desirable to promote this route in the long term as it could be of character and may otherwise become shoddy and neglected. Having regard to the right of way and to the sightlines I consider that the proposed access to the car park would give rise to congestion and conflicting traffic movements which would interfere with pedestrian safety at this location. A particular concern relates to the fact that vehicles entering the car park from the east will be unable to view vehicles coming from the west due to the bridge; traffic lights would appear to be necessary at this location to address this matter. In addition, the proposed delivery access is located at a position where sightlines to the east are restricted by the buildings on the Fogarty site and no turning circles have been provided to show how egress from the delivery area to the east by larger vehicles would impact on the other traffic on the quays. In terms of traffic safety I conclude that the access arrangements proposed are inadequate but consider that subject to omission of the parking to the front of the office units and location of a loading bay at this point and to the future option of traffic management by the Council, permission can be granted.

I therefore conclude that the development is acceptable in terms of traffic safety.

### **Other issues**

*Impact on Adjoining Properties* In relation to the impact of the proposed development on the adjoining properties I consider that the cinema building would not be negatively impacted upon in any way. This building acts as a satisfactory buffer between the proposed development and the commercial properties to the north and the development proposed would not militate against future development of the cinema site.

In relation to the impact on the appellant's property at no. 44, I consider that there will be an increase in visual impact and overshadowing due to the increased mass of

the development compared with the silo and storage buildings on site and its location but that having regard to the existing development, the town centre location and the difference in site levels, the development is acceptable in this regard. Noise impacts arising from the limited levels of servicing and traffic would be considered to be reasonable in this town centre location and would be mitigated by the proposed timber barriers which can be designed to be in accordance with the recommendations of an acoustic specialist.

The existing building on the Fogarty site provides an acceptable level of privacy to that property and the layout would not restrict any future re-development plans for that site.

I conclude that the development is acceptable in terms of impacts on the adjoining properties.

*Fire Safety* The Fire Officer has indicated that the development is not acceptable from the point of view of fire safety but this will be addressed under the fire safety certification process.

*Environmental Impact Assessment* There is no requirement for an Environmental Impact Statement in this case as the development is sub threshold and would not be likely to have significant environmental effects.

## **RECOMMENDATION**

I recommend that the decision of the planning authority to grant permission be upheld for the reason and subject to the conditions set out below.

## **REASONS AND CONSIDERATIONS**

Having regard to the zoning of the site and the objectives pertaining to the site set out in the current development plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings and documentation received by An Bord Pleanála on the 21<sup>st</sup> day of April 2006 and the 19<sup>th</sup> day of July 2006, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all the external finishes and boundary treatment shall be submitted to the planning authority for agreement. Details shall provide for the provision of high quality external finishes and paving throughout and selection of materials shall be made following the erection on site of a range of sample panels where appropriate.

**Reason:** In the interest of orderly development and the visual amenities of the area.

3. Pedestrian access throughout the development, including from the bridge level across the terrace and steps to the North Quay, shall be maintained at all times and no gates shall be erected without a prior grant of planning permission.

**Reason:** In the interest of facilitating pedestrian mobility in the town centre.

4. The detailed design of the proposed shopfronts shall be agreed with the planning authority prior to the commencement of development. This shall include proposals for signage and security shutters, which shall be located to the rear of the glazing and shop / office display area.

**Reason:** In the interest of visual amenity and to ensure that the development contributes to the amenities of the area after business hours.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development. Proposals for flood lighting of the southern and western facades of the building shall be included.

**Reason:** In the interest of visual amenity and public safety

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

7. Proposals for the resolution of the archaeological remains on the site including pre-development testing, monitoring and a full standing survey of structures of archaeological interest, shall be submitted to the planning authority for agreement following consultation by the archaeologist with the Department of Environment, Heritage and Local Government.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health, to prevent flooding and to ensure a proper standard of development.

9. The proposed car parking area to the front of the office units shall be reduced to provide for a loading bay at this location. The junction treatment of the car park entrance and the public road and the internal road network serving the proposed development, including turning bays, junctions, parking and loading areas shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenities and public safety.

10. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of construction and demolition waste and other waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. 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. The contribution shall be paid prior to the commencement of development or in such phased payments the planning authority may facilitate. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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**Mairead Kenny**  
**Senior Planning Inspector**  
**1<sup>st</sup> March 2007**