



An  
Bord  
Pleanála

## Inspector's Report ABP 307370-20

---

<b>Development</b>	Demolition of derelict house and construction of two, two storey houses and associated site works.
<b>Location</b>	Piggott's Lane, Loughrea, Co. Galway.
<b>Planning Authority</b>	Galway County Council.
<b>P. A. Reg. Ref.</b>	19/1864
<b>Applicant</b>	Naimh Shaughnessy.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Loughrea Boxing Club
<b>Date of Site Inspection</b>	14 <sup>th</sup> September, 2020
<b>Inspector</b>	Jane Dennehy.

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports.....	4
3.3. Third Party Observations .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Applicant Response .....	6
6.3. Planning Authority Response .....	7
7.0 Assessment.....	7
8.0 Recommendation.....	11
9.0 Reasons and Considerations.....	11
10.0 Conditions .....	<b>Error! Bookmark not defined.</b>

## 1.0 Site Location and Description

- 1.1. The site which is rectangular in shape and is on the west side of Piggott Street in Loughrea has a stated area of 924.5 square metres and is that of a late at which a new slated roof incorporating attic space is stated in the application to have been constructed in the 1970s with attic space. At the time of inspection, it was evident that some works had taken place at the property, notably at the northern gable end. The Loughrea Boxing Club adjoins, also located in a single storey building to the south side of the appeal site.
- 1.2. On Piggott Street there is a mix of residential, comprising relatively recently constructed two storey houses on the street frontage, terraced cottages, and contemporary commercial development. The street is one way in a northerly direction with traffic approaching from Bride Street/Main Street at the southern end and there is pay and display parallel public parking.
- 1.3. To the north west is the Old Church of Ireland which is included on the record of protected structures and Graveyard which is also a recorded monument. The church is deconsecrated and in use as public library which was closed at the time of inspection.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of an existing single storey house and construction of a pair of semi-detached two storey houses, the total stated floor area of which is 126 square metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 6<sup>th</sup> May, 2020, the planning authority decided to grant permission subject to conditions most of which are of a standard nature. Condition No 3 is an archaeological monitoring condition.

### **3.2. Planning Authority Reports**

- 3.2.1. Further to review of the original application submission, an additional information request was issued by the planning authority in relation to: (1) the proposal to demolish the existing dwelling, given the location within an ACA and the view of the planning authority that it contributes positively to the architectural character of the area and (2) a request for the building to be investigated for presence of bats by a suitably qualified person with a full survey report on possible presence of bats and bat roosts to be submitted to the planning authority for consideration.
- 3.2.2. A further information submission was requested to which a response was lodged with the planning authority on 9<sup>th</sup> April, 2020. It includes an 'Architectural Appraisal and Impact Assessment' report prepared by the applicant's consulting engineers and agent and a Bat Survey report prepared by Eire Ecology.
- 3.2.3. The planning officer indicated in his final report that he considered the proposed development acceptable.
- 3.2.4. **Technical Reports**
- 3.2.5. The report of the Department of Culture, Heritage and the Gaeltacht of 14<sup>th</sup> January, 2020 notes potential within the existing building for the presence of bats which are protected under the Wildlife Acts and a recommendation for investigation to be carried out by a specialist and a survey report prepared is included.
- 3.2.6. The report of the Department of Culture, Heritage and the Gaeltacht of 15<sup>th</sup> January, 2020 notes the location within the area of Archaeological Potential for the town and a recommendation for attachment of an archaeological monitoring condition is included.
- 3.2.7. The report of the Conservation Officer indicates a recommendation for comprehensive assessment of the existing building and the impact of the proposed development on the area given that it is within the Architectural Conservation Area within the town.

### **3.3. Third Party Observations**

- 3.3.1. In the two submissions lodged with the planning authority concerns raised related to the archaeological protection, access arrangements, impact on demand for parking,

levels, overshadowing and overlooking of adjoining properties and the construction stage impacts.

## 4.0 Planning History

There is no planning history for the application site. However, the planning officer includes details of several planning applications for site locations within the Loughrea in his report which is available on file.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plans are the *Galway County Development Plan 2015-2021* (CDP) and the operative Local Area Plan is the *Loughrea Local Area Plan 2012*.

- 5.1.1. According to Policy RD1 of the County Development Plan, it is the policy of Galway County Council for residential development to support the creation of sustainable communities and high quality residential areas at appropriate locations with a range of housing options and adequate support services, facilities and amenities, having regard to the guidance contained in the following policy documents or any updated versions of the *Joint Galway County Council and Ballinasloe Town Council Housing Strategy 2009-2015*, *Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities*, (2009) and, the accompanying guidance document *Urban Design Manual: A Best Practice Guide* (2009), and, *Design Manual for Urban Roads and Streets*, (2013)

*Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities*, (2009) and, the accompanying guidance document *Urban Design Manual*: are superseded in, “*Sustainable Urban Housing: Design Standards for New Apartments*” (2018) (Apartment Guidelines, 2018) which also take precedence over standards within the CDP.

According to DM Standard 22 there is a requirement for provision for 1.5 spaces car per dwelling.

According to DM Standard 44 demolition of buildings within an AA is restricted unless it has demonstrated that the structure does not contribute positively to the ACA or, is beyond viable repair or reuse.

- 5.1.2. According to the Loughrea Local Area Plan, (LLAP) the site comes within an area subject to the zoning objective C1: Town Centre/Commercial. To promote the development of the town centre as an intensive, high quality, well landscaped, human scaled and accessible environment with an appropriate mix of uses. Residential use, excluding apartments is open for consideration subject to consideration of Policy RD1, Objective RD1 and RD9 of the CDP.

The site location comes within the zone of archaeological potential around the historic town of Loughrea, a Recorded Monument.

To the north west is the Old Church of Ireland which is included on the record of protected structures and Graveyard which is a recorded monument.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

An appeal was lodged by Loughrea Boxing Club on its own behalf on 17<sup>th</sup> June, 2020 according to which the proposed development may have an effect on the Boxing Club's building with regard to:

- Impact on the north wall of the Club's building especially as it may not have proper foundations.
- Clarification is required on the proposed foundation for the new wall, the separation distance between the Club building's wall and the proposed wall and any proposals for this space.
- Clarification on the joining of Club building's roof and the proposed roof which should be carried out in a similar way to the roof on the south side of the Club's building. (A photograph is provided.)
- The boundary wall with the Club premises should be capped. Any increase must be confined to the east side (the side of the proposed building) and it

should be in concrete block construction and finished with a nap plaster on the side facing the Club. (A photograph is provided.)

## 6.2. Applicant Response

A response was lodged by the applicant's agent on 17<sup>th</sup> July, 2020 according to which:

- The party wall between the application site and the appellant's property will not be affected in that the new wall is to be erected on the inner side. A raft foundation is to be used as it requires less excavation and less foundation soil stresses is proposed. The outer leaf will abut the party wall with the gaps being filled with a sand/cement mix. The applicant will replicate the flashing detail at the party wall location on the southern side of the Club's building and, the applicant will agree to specific requests with regard to raising of the rear boundary wall.

## 6.3. Planning Authority Response

There is no submission from the planning authority.

## 7.0 Assessment

The issues raised in the appeal are matters of concern over which the appellant seeks clarification and assurance so as to ensure the protection of the structural stability and fabric at the appellant party's premises. These matters are considered reasonable and within the scope of consideration in the context of a planning application. In this regard, the applicant has undertaken:

- to lay a raft foundation which it is stated limits the extent of excavation and soil stress and confirms that the new wall for the structure is to be positioned

on the inner side of the party wall between the two properties with gaps being filled with a sand cement mix.

- to replicate the flashing at the appellant's premises.
- to raise the rear boundary wall in accordance with the requirement of the appellant party. The appellant request that any increases be confined to the east side (the side of the proposed building) be in concrete block construction and finished with a nap plaster on the side facing the appellant party's premises.

7.1.1. The applicant's response satisfactorily addresses and resolves these matters of concern and for the purposes of clarity, an appropriate condition can be attached, should permission be granted.

7.1.2. On review of the application, *de novo*, issues, aside from the appeal, considered below are:

Justification for proposed demolition of a structure within the ACA having regard to DM Standard 44 within the CDP

Design and Form and visual amenities.

Parking

Presence of Bats.

Zone of Archaeological Potential.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

## **7.2. Justification for proposed demolition of existing structure within the ACA having regard to DM Standard 44 within the CDP**

7.2.1. According to the architectural appraisal and impact assessment prepared by the applicant's consulting engineers in consultation with the applicant's archaeologist the cottage is structurally substandard, and unsuitable for repair, is not viable for upgrading and refurbishment for contemporary habitable use and could not be made compliant with the sustainable development standards in Part L., TGD in several respects. The existing eighteenth century structure which has been subject to

investigative interventions, is, it is agreed, structurally in poor condition.

(Observations of the conservation officer, who had indicated concerns as to the proposed demolition of the existing structure in her original report, are not available on the architectural appraisal and impact assessment provided in the further information submission.)

- 7.2.2. There is no doubt that a major, and costly building conservation project would be essential in order to return to structure to a structurally sound building suitable for residential or commercial use and the case made. This is demonstrated in the architectural appraisal and impact assessment report provided in the further information submission in which the applicant's agent concludes that the structure is beyond viable repair and reuse due to the structural issues and substandard nature of the existing structure. Removal of vernacular architecture within the town's ACA is regrettable and undesirable whereas, allowing for the structure's removal and the opportunity for its replacement with two dwellings is arguably viable and in the interests of sustainable development given the serviced central town centre location, zoned to commercial town centre use in which residential development is open to consideration according to the Local Area Plan.

### 7.3. **Design and Visual Amenities**

- 7.3.1. The proposed houses are simple, two storey houses relatively similar in form and detail and consistent in roof profile and eaves the existing two storey houses on the street and are considered acceptable having regard to the streetscape character and the ACA designation, and, the protected structure status of the adjoining former Church of Ireland site which is now in use as a public library.

- 7.3.2. The proposed dwellings are two bed houses opening onto a small west facing patios, which are 5.4 square metres and 5.8 square metres in floor area, respectively. The private open space provision is limited in amenity potential qualitatively and quantitatively. However, there are public outdoor amenities within the town, particularly at the lake.

#### 7.3.3. **Parking.**

There is no provision for on-site parking to serve the two proposed dwellings. There is public pay and display parallel parking along the side of Piggott's Street, The applicant's observation that resident parking permits issued by the Loughrea Area

Office are valid only for the Main Street public carpark eliminating pressure on demand for parking on Piggott's Street. The planning officer report does not include any observations on these proposals but it is considered that there are alternative parking facilities within the area and that the absence of proposals for parking within the development, the options for which are minimal, is acceptable.

#### **7.4. Presence of Bats.**

- 7.4.1. It is considered that it has been satisfactorily demonstrated in the Bat survey report that no further investigative measures are required given, no evidence of bat species were observed during the surveys undertaken.

#### **7.5. Zone of Archaeological Potential.**

- 7.5.1. It is considered that it has been satisfactorily established at application stage, that attachment of an archaeological monitoring condition is an appropriate requirement, should permission be granted, having regard to the proximity to the recorded monuments within the adjoining Graveyard for the Church of Ireland and the location within the area of archaeological potential at Loughrea.

#### **7.6. Environmental Impact Assessment Screening.**

- 7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **7.7. Appropriate Assessment.**

- 7.7.1. The site location is circa 150 metre from the Lough Rea SAC and Lough Rea SPA. Given that the site is that of an existing structure in Loughrea town and the small scale and nature of the proposed project which is for its replacement with a pair of semi-detached dwellings, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. Given the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that permission be granted based on the draft reasons and consideration set out below and subject to the following conditions.

## 9.0 Reasons and Considerations

- 9.1.1. Having regard to the Galway County City Development Plan, and to the Loughrea Local Area Plan according to which the site is located within an area subject to the zoning objective zoning objective C1: *“Town Centre/Commercial. To promote the development of the town centre as an intensive, high quality, well landscaped, “human scaled and accessible environment with an appropriate mix of uses”* in which residential development, excluding apartments, is a permissible use, and, to the location within the area of the Loughrea Architectural Conservation area adjacent to the former Church of Ireland included on the record of protected structures and Graveyard, ( a recorded monument, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the historic architectural character of the ACA, the visual amenities or the established pattern of development in the area, would be acceptable in terms of traffic safety and convenience and, would be in accordance with the proper planning and sustainable development of the area.

## 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 the further plans and particulars lodged with the planning authority on 9<sup>th</sup> April, 2020 on 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 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.

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

2. The applicant shall provide for the following requirements within the development to the satisfaction of the planning authority: -
  - A raft foundation shall be constructed for the proposed development and the new walls shall be located on the inner side of the party wall with the adjoining property to the south side of the site. Any gaps between the outer leaf and the party wall shall be filled with a sand and cement mix. -
  - The rear boundary wall shall be raised to a maximum height of 1.8 metres on the inner side only, in the east side (the side of the proposed building) shall in concrete block construction and finished with a nap plaster on the outer side.

**Reason:** In the interest of clarity and orderly development.

4. All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

**Reason:** In the interest of public amenity orderly development and traffic safety.

5. Details of the materials, colours and textures of all the external finishes for the proposed extensions including doors and windows, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. 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.

7. The applicant shall obtain water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of amenity and the proper planning and sustainable development of the area.

9. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall: -

- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- (b) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the planning authority.
- (c) The archaeologist shall provide a detailed impact statement based on the final development plans for consideration by the planning authority.

- (d) The planning authority, in consultation with The National Monuments Service, shall determine the exact nature and extent of any archaeological excavation. That portion of the site shall be exposed in plan and reduced in toto. The uppermost overburden may be removed from the site by a machine with toothless bucket only under archaeological supervision. All in situ features, including post medieval, must be fully recorded prior to removal.
- (e) Once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in situ articulated human remains or other significant archaeological deposits being located during the course of this work, the archaeologist retained by the developer shall immediately notify the planning authority and The National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required.
- (f) The ground shall be reduced to the base of the archaeological deposits.
- (g) A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the planning authority, and
- (h) a written report containing the results of the archaeological excavation and post-excavation shall be submitted on completion to the planning authority and to The National Monuments Service.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to the Board for determination.

**Reason:** To conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate and assist the planning authority in securing the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

10. 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 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 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.

**Jane Dennehy**  
**Senior Planning Inspector**  
**16<sup>th</sup> September, 2020.**