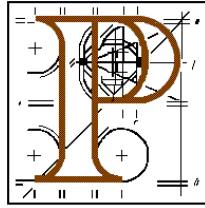


An Bord Pleanála



Inspector's Report

PL. 61 246803

DEVELOPMENT: Refurbishment and modifications, cleaning and repair external works signage and site development works at Island House, Gaol Road, Galway. Protected structure, (RPS 3605)

PLANNING APPLICATION

Planning Authority: Galway City Council.
P. A. Reg. Ref: 15/292
Applicant: Maralto Investment Ltd.
Decision: Grant Permission.

PLANNING APPEAL

Appellant: An Taisce.
Type of Appeal: Third Party Against Decision to Grant Permission.

Date of Site Inspection: 16th September, 2016.

Inspector: Jane Dennehy.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site has a stated area of 0,1299 hectares and it is located to the east side of Gaol Road between the east side of the Waterway and the west side Cathedral Square which is in use as a public carpark to the south west of Galway Cathedral. Island House which according to the NIAH description is a thirteen bay two and three storey building, a former grain store incorporating fabric from an earlier industrial building is located on the site. This nineteenth century structure was extended, refurbished, remodelled and converted into office use in the 1980s which a total stated floor area of metres to 1,400 square metres. (P. A. Reg. Ref. 80/417 refers.) The west facing façade is directly on the waterway edge and the east façade opens onto the carpark.
- 1.2 The NUIG School of Engineering is on the former St Anthony's Campus to the south and the poor Clare Convent set in large grounds on the west side of the waterway is to the west. Galway Cathedral is located to the north on the lands of the former Gaol which was demolished to make way for the new Cathedral in the mid1960s. The location is central to the city, close to the university campus, hospital central city business district and docklands. Lands. are amenity spaces to each side of the waterway.

2. THE PLANNING APPLICATION.

- 2.1 The application was lodged on 29th October, 2016 supplemented by further information incorporating revisions lodged with the planning authority on 5th April, 2016 in response to requests for additional information in relation to the design and materials, impact on the surrounding built environment, building survey information and details of water supply on 21st December, 2015 is for:
- 2.2 An office development within the building over four floors, the total stated floor area of which is 1,794 square metres.¹

The west elevation (overlooking the waterway) comprises a glazed curtain walling system in replacement of most of the existing rendered walling interrupted by some vertical sections of which (circa 1,500 mm wide) are to be retained and repaired. The principle modification to the

¹ Details of the previously permitted and implemented adaptations, extensions and additions are available in Section 4 "Planning History".

original design proposed in the further information submission is omission of projecting elements included in the original application.

- 2.3 The stone facade of the east elevation facing towards Gaol Road is to be retained with doors and sash windows being replaced. The existing slate roof to the structure is to be retained and repaired. Existing rainwater goods are to be repaired or replaced. Landscaping is proposed to the north over a depth of 37,530 (north south) from the footprint of the building and to the south extending nineteen metres from the structure.
- 2.4 The original application is accompanied by a works specification and a conservation report and supplementary conservation report in which includes an inventory, statement of significance and architectural heritage impact in which it is concluded that the proposed repair and maintenance work is appropriate and benefits the building.
- 2.5 The supplementary conservation report indicates that the western elevation was replaced in entirety as part of the 1980s development and comprises block wall construction with a render finish within a reinforced concrete frame.
- 2.6 The report of the environment section dated 6th November, 2015 indicates recommendations for conditions for waste and noise control. The report of the Area Engineer dated 12th November, 2015 indicates no objection subject to standard conditions. The report of the Drainage Section Engineer dated 17th November, 2015 indicates no objection.
- 2.7 The report of the Heritage Officer dated 11th October, 2015 indicates the view that the existing structure has a well balanced unity in its present form. The proposed development of glazing additions would be out of character and unsympathetic to the stonework the walling and curtilage of the waterway, the 19th century mill buildings (NUIG flour mill), the Poor Clare Convent (Nuns Island) and the nineteenth century fisheries properties. The effect of the glazed extension on the waterways and the views of the waterways which are of immense importance would be ahead. The Island house reflects the industrial heritage of the area.
- 2.8 The report of Irish Water indicates a recommendation for further information, insufficient information being available in the application.

3.0 **DECISION of the PLANNING AUTHORITY.**

- 3.1 By order dated, 2nd June, 2016, the planning authority decided to grant permission subject to conditions which include the following requirements:

Condition No 2: Employment of a conservation architect to monitor and oversee the works and submit a method statement prior to commencement and a statement of the details of works carried out following completion of the project for written agreement with the planning authority.

Condition No 4: Archaeological monitoring, in consultation with the National Monuments service.

Condition No 7: Detailed specifications for the windows include analysis, assessment of potential for repair rather than replacement, and methodology for windows and for roof tiles written agreement with the planning authority.

Condition No 10: Written confirmation that footprint is the same as the existing footprint and does not encroach on the waterway.

4. **PLANNING HISTORY.**

4.1 According to the submissions made on behalf of the applicant, the site has the following planning history:

P. A. Reg. Ref 70.212: the Planning Authority decision to refuse permission for an office block was upheld following appeal.

P. A. Reg. Ref. 201/77: Permission was granted for change of use from grain store and warehouse to office use.

P. A. Reg. Ref. 379/77: The planning authority decision to grant Outline Permission for an office development was confirmed following appeal.

P. A. Reg. Ref. 80/417: Permission was granted for alterations and extensions and use of the existing structures as offices. The extensions comprised an additional block and additional floors as well as upgrades.

P. A. Reg. Refs. 81/573 Permission was granted for change of use of the third floor to offices.

5. **DEVELOPMENT PLAN.**

5.1 The operative development plan is the Galway City Development Plan, 2011-2017 according to which the site location is:

Within an area subject to the zoning objective “CC”: *to provide for city centre activities, and particularly those which preserve the city centre as the dominant commercial area of the city.*

Policies relating to built heritage are set out in section 7.2 according to which protection and enhancement of protected structures is encouraged, change of use and new use is encouraged if it prolongs the life of the building and works should enhance the character and setting of structures and carried out in accordance with best conservation practice. (The structure is not included on the record of protected structures.)

6. THE APPEAL.

6.1 An appeal was received from the Galway Association of An Taisce on 27th June, 2016 in which it is stated that the Association considers the development, as proposed in the initial application and the further information submission very damaging and the decision to grant permission is opposed.

6.2 An outline summary follows:

- The area merits designation as an Architectural Conservation Area. (ACA.) Cathedral Square formerly the site of the Gaol is surrounded by many historic buildings and protected structures (listed in the appeal) and Island House itself is a remnant of industrial heritage. The Cathedral Square area is taken up as a carpark but should have a memorial and be developed for tourism. This was recommended at an international conference in the 1980s and a report should be available.
- It is agreed that continuous use of a protected building (retaining economic benefit to the owners) may require adaptation but it is to be radically altered, damaged and excessively scaled as opposed to providing for a differentiation between historic and new as envisaged in the Venice Charter.
- There is excessive use of modernist curtain wall glazing to the rear facade with complete removal of the rear wall which destroys the historic character of Island Houses and out of scale with the other openings in the building. It is “*brutalist*” and way beyond what is acceptable to keep a building in modern use. This intervention would also be irreversible.
- It is not agreed that the impact will be diminished by the distance from the Poor Clare Convent at which the privacy of the gardens would be destroyed.

- Unacceptable precedent would be set for future development at the Flour Mill, the NUIG property which could be put on the market.
- Not enough attention was given to the design to the potential negative impacts and diminution of the protected structures in the vicinity, behind the Cathedral where the potential for development of historic routes for tourism would be diminished.
- The 1980s works added character and legitimacy to the building.
- In support of the appeal extracts from contributions in Mathew Hardy, *“The Venice Charter Revisited – Modernism Conservation and Tradition in the 21st Century”* are included in the submission.

7. RESPONSE TO THE APPEAL BY THE APPLICANT.

- 7.1 A submission was received on 26th July, 2016 from Tom Phillips Associates on behalf of the applicant. Included in the submission is an amended version of the proposed development proposed in the further information (“Option A”) and a further alternative for the proposed development. (“Option B) Option B shows a further redesign of the glazed curtain walling proposed for the façade overlooking the waterway and incorporates vertical glass-fin *brise soleil* louvres. A willingness to submit proposals for further modifications, (further to a section 132 notification) is also indicated. The submission includes photomontages and close up views of the vertical glass-fin *brise soleil* louvres.
- 7.2 The rebuttal of the appeal grounds can be outlined as follows:
- The proposed development fully compliant with the statutory planning context which is reviewed in detail in the submission, namely the current development plan (s7.2) and the statutory guidelines: *“Architectural Heritage Protection: Guidelines for Planning Authorities”*. DOEHLG. 2005. (s7.8 ff)
 - An architectural appraisal according to which Island House is not an authentic historic structure owing to the significant changes which were made in the 1980s to the fabric and to the form of the building by way of additions. Most of these change and additions were inappropriate and/or visually intrusive. The west façade adds limited value to the character whereas the special interest is confined to the eastern façade which contains significant original material, proportions and features. The proposed development will have little impact on the east façade other than improvements by way of cleaning and repair of stonework, roof materials and rainwater goods.

- Sensitive design ameliorates the visual impact of the building as demonstrated in photomontages (Appendix C of submission.)
- The redesign of the western façade as proposed in the further information submission is based on a minimalist approach with omission of the projecting elements shown in the original proposal.
- The building will be improved by upgrading and refurbishment, repair and maintenance which will contribute to long term use and viability of the building and will positively contribute to the character of the area. The interior has already been stripped of historic material and the 1980s works damaged the western façade.
- The proposed development will not have a material detrimental effect on the grounds of St Clare's Convent. The residences and private gardens are seventy metres to the north and not in direct line with the proposed development. (A wall and the waterway separate the development from the front lawn.
- There is no negative impact on any protected structures including Galway Cathedral and the former Mill building (NUIG property) which is not indirect line of sight of the proposed development.
- The western façade is visible from few locations due to the scale and aspect relative to the waterway at the rear.
- Visual impact is confined to the setting and layout of the building.
- This is demonstrated in the three submitted photomontages on the basis of which it is claimed that: there is a waterway and wall separating the front lawn of the convent from the development and the residences and private gardens are seventy metres to the north of the proposed development. The western façade is just visible above the wall at the convent entrance; the building is seventy metres from the front lawn of the Convent and has limited visibility via a constrained angle from the bank of the waterway to the north.
- The proposed development will not set undesirable precedent,
- The proposed development will not would impact on potential tourist walking routes but no tourist route is proposed for the location.
- The proposed development is consistent with the Venice Charter.

8. OBSERVATIONS OF THE PLANNING AUTHORITY,

8.1 A submission was received on 27th July 2016 in which it is requested that the decision to grant permission be upheld.

8.2 Reference is made to the statements in the supplementary conservation report in the further information submission that:

The west elevation is new construction and the grant of permission increased the floor area to 1,400 square metres from 358 square metres. (P. A. 80/417 refers);

The large glazed opening is reconfigured with metal clad and stone projections. (Pillars are omitted and external fire escape and enclosures on the roof are also replaced with internalised fire escape.) and,

As the building extends to the edge of the waterway there can be no impact on any potential walking trails for tourism development.

8.3 According to the submission:

- There is no adverse impact on the protected structures including the cathedral. The works are to the rear/west of the building.
- The rear of the building is seventy metres in distance and at angle from the former mill building in the ownership of NUIG and from St Clare's Convent (on Nun's Island) convent and the glazed west elevation is twenty-eight metres from the edge of the front lawn. This is across the width of the waterway and access road behind a high wall. The St Clare community gardens are behind, not in front of the convent and the community did not object to the development.
- There is no impact on protected structures or their settings, or undesirable precedent that are more exposed to public view. It is also demonstrated there is no loss of significant fabric.
- The private nature of the rear of the building and revised design solution showing simple and clean features secures the upgrade of the building into modern office space addressing a deficit in office accommodation in the city.

9. FURTHER SUBMISSION OF THE APPELLANT.

9.1 A submission was received from the Galway Association of An Taisce on its own behalf on 18th August, 2016 the contents of which are outlined below:

- Some restrictions should apply, with reference to Articles 3 and 5 of the Venice Charter in terms of allowable change to layout and “*decoration of the building*”. The 1980s changes give the building its present form, using stone that complemented the existing materials, including the extension to the water’s edge and the external character is the *raison d’etre* for statutory protection.
- An Taisce confirms that to remove the entire façade thirty-six years later and replace it completely with glazed curtain walling is too extreme.
- An Taisce upholds the claims in the appeal to negative impact and precedent on future development at Nuns Island and the former mill building (NUIG) which have full line of sight.
- There is considerable potential and opportunity for tourism growth including waterway regeneration and waterways developments including public access to the west facing façade.
- The convent is directly across the waterway in full sight of the façade. The local community who access the driveway and the convent will have full view and the poor Clare community lands will be compromised by overlooking.
- The applicant’s response to the appeal is misguided. Should modifications be sought under section 132 of the Act, a modest scale enlargement in the ground floor window openings on the western façade may be acceptable.

10. **ASSESSMENT.**

10.1 The issues considered central to the determination of a decision and considered in subsections below are:

Impact on historic fabric of the existing structure.

Impact on character of the structure and on the visual amenities of the area.

Impact on Amenities of St. Clare’s Convent, Nun’s Island.

Impact on Heritage Tourism

Consistency with the Venice Charter.

Precedent

Appropriate Assessment

10.2 **Impact on historic fabric of the existing structure.**

Further for review of the planning history, the external visual inspection and other observations on file and the original and supplementary conservation reports the survey and assessment within which are accepted, it can be concluded that the proposed interventions which are primarily to fabric of 1980s construction and of no special interest, would not adversely affect historic fabric. The proposed maintenance, replacement and repair works the criteria and general methodology of which is explained in the submitted conservation assessment reports are considered appropriate and acceptable resulting in a sensitive and appropriate upgrade to the building. There is no objection in this regard to the finalisation of the detailed proposals for each window on the front elevation being resolved by compliance with a condition.

10.3 **Impact on character of the structure and on the visual amenities of the area.**

As stated, the existing nineteenth century structure has been significantly altered and enlarged to facilitate the current office use. The presentation of the west facing façade onto the waterway and in public view at present is understated with the 1980s works to the façade are of little interest, somewhat inappropriate and dated for interventions to historic buildings by reference to contemporaneous practice and standards.

10.4 It is agreed with the applicant that there is a limited extent and range of visual access to the west facing façade within the public realm which is primarily confined to the sides of the waterway, bridges at University Road, Gaol Road and the grounds and buildings at St Clare's Convent on Nun's Island to the west. The east facing façade opening onto Cathedral Square is to remain relatively unaltered, maintenance and repair works primarily being proposed.

10.5 The west facing façade is directly on the edge of the waterway with public recreational amenity space and linear walk space available on both sides of the waterway. While it is agreed that the original proposal was incompatible with the building form, the amended glazed curtain walling proposal shown in Option A (the further information submission) is framed within the façade. The arrangement of glazing and solid stone on the façade ensures the achievement of a vertical emphasis as a result of which there is capacity to accept the relatively high void to solid ratio. This curtain wall glazing element to the facade is a particularly appropriate and contemporary feature to the building which has been subject to significant prior interventions and the position directly adjacent to and overlooking the waterway.

10.6 Contrary to the planning officer's view that that the design proposal Option A is the preferred option, it is considered that Option B submitted

in the response to the appeal is of greater interest and a more appropriate higher quality proposal for the location. The incorporation, in Option B of vertical glass fin *brise soleil* louvres is a visually appealing compatible contemporary feature with good vertical emphasis while ameliorating the dominance in visual impact of the of the glazed curtain walling proposed in Option A.

10.7 Both Option A and B are considered acceptable but Option B is considered to be a considerably higher quality design and of greater visual interest and amenity value in views from the recreational areas on the waterway side and Gaol Road in the immediate public realm r in increasing proximity on approach along the waterway side, from the bridge at University Road. Owing to the outright objection in principle to the extent of intervention proposed for the west facing façade, there appears to be no view of preference for Option A or B on the part of the Appellant.

10.8 In the event of favourable consideration of the proposed development in principle having regard to the foregoing, it is it is recommended that Permission be granted for Option B. Should Option A be selected, it is recommended that a condition be included that provides for uniformity in any internal fittings to the glazing such as blinds in the interest of the visual amenity from public vantage points and for exclusion of external signage to the west facing façade.

10.9 **Impact on Amenities of St. Clare's Convent, Nun's Island.**

Island also overlooks St Clare's Convent and the grounds on Nun's Island on the west side of the waterway. The upper floors of the west façade are in views above the boundary walls from the grounds and while opposite the grounds, the structure is at a considerable distance from the convent buildings to the north west. As previously stated, it is considered that Option B which incorporates the *brise soliel* louvres provides for a less conspicuous presentation of the façade. Option B would also be more effective as regards amelioration of perceived overlooking. However, contrary to the case made in the appeal, both options are acceptable allowing for a satisfactory reciprocal relationship between the proposed development and St Clare's Convent.

10.10 **Impact on Heritage Tourism**

The building is in a most prominent position the footprint of which is directly onto the waterway bank. As such there is no scope for a walking route along the waterway frontage, (unless a structure were to be erected linking the amenity spaces on the south and north sides.) Nevertheless, it is agreed with the appellant that all potential and scope for enhancement of tourism and recreational infrastructure and attractions should be exploited and unhindered especially given the

primacy and high intensity and vitality and vitality he city central location retail and business core, university campus cathedral area the hospital not least from the perspective of the tourism sector. It is considered that the proposed development in being more positive than the existing façade in impact potentially enhances tourism and recreation in the immediate area.

10.11 Consistency with the Venice Charter.

It is considered that the proposed development is consistent with the recommendations within the Venice Charter and contentions to the contrary on the part of the appellant are rejected. development is not in accordance with the Venice Charter are not accepted. The structure, and use will be enhanced by the proposed The proposed upgrade and maintenance works and the proposals for the west facing facade taking into account prior interventions are appropriate to good conservation theory and practice as envisaged in the Charter. They can be achieved without significant adverse impact on remaining historic fabric resulting in presentation of the building with contemporary features in a sensitive way that ensures effective adaptation and continuation in a viable commercial use. This is appropriate to current day commercial requirement and positively contributes to the built environment and the recreational amenities of the popular and important waterway heritage and amenity area.

10.12 Precedent.

It is not agreed undesirable precedent can be attributed to the proposed development. The concerns as to possible future proposals for the Flour Mill building which is in the ownership of NUIG in this regard have been noted. There is no potential for direct precedent from the current proposal Possible future development proposals would be considered on individual merit with there being no potential for direct precedent notwithstanding the location within the immediate waterway side environs of the current proposal if permitted.

10.13 Appropriate Assessment

Having regard to the scale and nature of the proposed development which was carried out several years ago, the retention of which is proposed no Appropriate Assessment issues arise and it is not considered that the proposed development has a significant effect individually or in combination with other plans or projects on a European

10.14 Conclusion and Recommendation

In view of the foregoing, it is recommended that Permission for retention be granted for the proposed development in entirety on the basis of the reasons and considerations and subject to the conditions set out in the draft order overleaf.

Decision

Grant Permission on the basis of the reasons and subject to the conditions set out below.

Reasons and Considerations.

Having regard to the site location adjacent to the Waterway which will be overlooked by the proposed west facing façade, the nature and extent of the previous permitted extensions, alterations and additions planning history, the current permitted office for the existing structure and the design of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development does not adversely affect the integrity of historic fabric or the character of the existing structure, would be consistent with good conservation practice and would not be seriously injurious to the visual and recreational amenities of the area or the residential amenities of the property at Nun's Island. The proposed development would therefore be on accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on 5th of April, 2016, and by An Bord Pleanála on 26th July, 2016 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 western façade shall be in accordance with the details shown for Option B submitted to An Bord Pleanála on 26th July, 2016. Prior to the commencement of the development the applicant shall submit and agree in writing plan, section and elevation drawings and a specification, to include colours and finishes for the *brise soleil* louvres.

Reason: In the interest of the visual amenity and the amenities of the area.

3. (a) A conservation architect shall be employed to manage, monitor and implement the works on the site to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases, balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Prior to the commencement of the development a condition survey, method statement and specification for the proposals for each window on the front (east) elevation shall be submitted to and agreed in writing with

the planning authority and fully implemented prior to the occupation of the building.

Reason: In the interest of clarity and best conservation practice.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development which shall include details of arrangements for construction traffic management, construction compound, measures control of dust emission, run off and other pollutants providing for the protection of the adjoining waterway and amenity area and for the storage and removal of construction and demolition waste.

Reason: In the interest of orderly development, amenity and public health.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006 and shall include details of measures for the protection of the adjoining waterway from contamination.

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Reason: In the interest of sustainable waste management and environmental protection.

JANE DENNEHY.
Senior Planning Inspector
28th September, 2016.