



An
Bord
Pleanála

Inspector's Report PL61.247574.

Development	Change of use from residential and retail to retail at ground floor, from residential to office on first floor and second floor office extension.
Location	24 Middle Street, Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	16/128.
Applicant(s)	C. Higgins.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	An Taisce.
Observer(s)	None.
Date of Site Inspection	18 th of January 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site is a two storey mid terrace building along Middle Street in Galway City Centre. The buildings along Middle Street include a range of retail, public bars and cafes which supports Galway's main shopping streets. There remains a number of residential properties along this street.
- 1.2. The existing building is a dwelling with part ground floor converted to retail, currently vacant. The dwelling is a protected structure and attached to another protected structure (No 22). The buildings located on either side of the site are three storey building fronting onto Middle Street. The site is located within the City Core Architectural Conservation Area.

2.0 Proposed Development

- 2.1. The proposed development includes alterations to a protected structure including:
 - Partial demolition and construction of three and half storey unit with 71m² retail on ground floor, 138m² of office on the first floor and a residential unit in third floor and attic space.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission and conditions of note include:

- C 2: Details of signage to be submitted and shall include an element of the Irish Language, no roller shutter etc. on building without prior agreement.
- C 6: A full photographic survey to be submitted and employment of an archaeologist during construction and monitoring of any material.
- C 7: The windows on the façade shall include stone cills and timber sliding sash hardwood windows.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following further information on the following:

- The submission of a structural survey to determine the condition and stability of No.26, No.24 as well as No.22.
- The submission of a detailed method statement by a conservation architect including reference to the archaeological importance of the site.
- Inclusion of at least 20% of residential development.
- Inclusion of appropriate materials to reflect the location in the City Core Architectural Conservation Area (ACA).
- The submission of intended use of retail, the use of the rear courtyard, external flues, serving of the site and intended use of the attic.

3.2.2. Other Technical Reports

Transportation Section- No objection to proposal.

Drainage Section- No objection to proposal.

Fire Authority- No objection to the proposed development.

Heritage Officer- No objection subject to conditions.

3.3. **Prescribed Bodies**

Health Service Executive- No objection to proposal.

An Taisce- Concerns raised in relation to the proposal.

3.4. **Third Party Observations**

One submission received from an agent on behalf of owners of adjoining property of The Kings Head Pub, concern was raised in relation to:

- the appropriate demolition of the building;
- the use of a construction management plan;
- the structural stability of the property.

One submission received from the occupant of No. 22 in relation to the significant further information which may be summarised as follows:

- it is requested the structural integrity of the building is maintained,
- the rear courtyard should not be used for seating,
- the balcony for the bedroom is inappropriate.

4.0 Planning History

13/112

Permission granted for demolition and construction of a new four-storey building with a mix of commercial and three apartments in a protected structure (RPS 6107).

PL61.111183 (Reg. Ref 98/752)

Permission granted for demolition of dwelling and retail unit and erection of a coffee/confectionary shop, store and four apartments.

PL61.87025 (Reg. Ref 91/362)

Permission granted for demolition of a dwelling and erection of a coffee/confectionary shop, store and four apartments.

5.0 Policy Context

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

- Section 3.10: Criteria for Assessing Proposals within an Architectural Conservation Area.
- Section 6.8.11: Justification for demolition of a protected structure.

5.2. **Galway City Development Plan 2015-2021**

The site is zoned as City Centre, where it is an objective “*To provide for city centre activities and particularly those, which preserve the city centre as the dominant commercial area of the city.*”

The site is included in the Record of Protected Structures (RPS 6107), is located within the designated City Core Architectural Conservation Area (ACA) and is within the Zone of Archaeological Potential (ZAP). Therefore, the following policies apply.

Built Heritage

Policy 8.2

- Ensure new development enhances the character or setting of a protected structure.
- Implement proactive measures to encourage the conservation of protected structures.

Policy 8.3

- Encourage the protection and enhancement of the character and special interest of designated ACAs.
- Ensure that developments within Architectural Conservation Areas enhance the character and special interest of the ACA.

Shopfront

Section 11.5

- Original shopfronts shall be retained or restored.
- The design shall take account of the heritage of Galway.
- In general canopies shall not be permitted except when they are necessary to protect goods on display or where they are deemed acceptable under the prevailing Table and Chairs policy. Canopies are required to be in accordance with the *City Councils Shop Front and Design Guidelines*

Policy 8.7

- Improve qualitative design standards through the application of design guidelines and standards of the Development Plan, in particular the *Galway*

Shopfront and Signage Design Guidelines Galway City.

5.3. Natural Heritage Designations

The site is located approx. 250m from the edge of Galway Bay SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from An Taisce and may be summarised as follows:

- The site itself does not have much historical fabric although it adjoins an intact Protected Structure (No 22) and the exposed gable of this building was not required to be included in the photographic survey as per Condition No 6 (a). The treatment of the connectivity is required.
- There is a lack of detailed methodology for the archaeological works.
- A contingency plan is required for any subsidence.
- Details of the treatment of the two roofs is required, including best conservation practice, fire proofing etc.
- Reference is provided to the Architectural Guidelines for Planning Authorities.
- There is concern relating to the noise generated from the balcony, the lack of bin storage, the hours of operation of the retail unit and the use of the rear courtyard by the retail unit.
- The double glazed timber sash windows should be extended to the rear of the building.

6.2. Applicant Response

The applicant's agent has responded to state that the appeal does not make adequate reference to the information submitted with the further information. The response may be summarised as follows:

- The information submitted for the further information, the presence of a Structural Engineer, Conservation Architect and Archaeologist and the inclusion of Condition 1 and 6 will ensure the correct protection of the neighbouring protected structure. Photographic survey of the wall will be kept once the structure at No 24 is removed.
- The fire safety and weathering details are dealt with by the Conservation Architect. The new structure will be completely independent with a perforated gable acting as a fully integrated compartment wall.
- The proposed building will be compliant with the Building Control Regulations and Fire Safety Certificate.
- A structural engineer's report included site investigations deep under the 1960s concrete floor.
- It is noted the appellant has referenced national and local guidance, these have been considered during the planning application.
- In relation to bin storage, licensed waste companies operate in Galway City collecting waste on a daily basis.
- At present there are no proposals for the retail unit, the courtyard or for hot food on the premises.
- The use of the double glazing to the front of the building is to respect the ACA, there will be no impact to the rear of the building.
- The current permission for 13/112 is more invasive and includes the complete demolition, the current proposal includes the retention of foundations, primary substructure of the ground and gable walls.

6.3. **Planning Authority Response**

The Planning Authority response states that information submitted at further information stage addressed the concerns raised in the ground of appeal. In particular condition No 6 sets out a methodology to limit any potential for adverse impacts on No 22 Middle Street.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The applicant has included a Heritage and Conservation Report assessment with the response to the grounds of appeal. I have assessed the information contained within and I note no new issues have been raised. There were no additional submissions from the planning authority or the appellant in relation to this information. The main issues of the appeal can be dealt with under the following headings:

- Built Heritage
- Archaeology
- Other Matters
- Appropriate Assessment

Built Heritage

7.2. The proposed development relates to significant alterations of a protected structure (RPS 6107) and construction of a three storey building. The site is located within the City Core Architectural Conservation Area (ACA). The grounds of appeal argue that the proposed will not have a negative impact on the existing site, rather it will have a negative impact on the adjoining protected structure at No 22. I will address the impact of proposed development on both the existing and adjoining protected structure and the surrounding ACA.

7.3. Demolition: The proposed development relates to a change of use of the ground and first floor and the construction of an additional second floor and attic. The information in the structural report refers to the use of the existing foundations and an

overhanging cantilever and retention of the party walls. The proposed development will be a stand-alone structure and does not require any support from adjoining buildings. Plan Ref 13/112 includes a proposal for the demolition of No 24 and construction of a new four-storey building and the applicant argues that this current permission is considerably more aggressive due to the demolition of the building. I note the absence of retention of any original external or internal walls of the existing dwelling in the proposed development and based on the majority of the building being removed, I have assessed the proposal as demolition.

- 7.4. Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities includes criteria for assessing the impact of demolition of structures and buildings in Architectural Conservation Areas and protected structures and states where it is proposed to demolish a structure, the features of special interest must be assessed and the impact of the replacement on the character of the area. The submitted conservation assessment refers to the age of the building as 1960s with more recent side extension which is recognised to have no architectural or historical interest. With this in mind I note the features of interest listed are based on the archaeological characteristics and include the “*Site of Jesuit Hiding Place, medieval fabric to the rear*”. Based on the age of the building and the absence of any special features other than archaeology, I consider the removal of the main body of the building reasonable and I do not consider it will have a negative impact on the adjoining protected Structure at No 22 as discussed further below.
- 7.5. Impact on No 22: The proposed development includes the construction of an additional two floors to match the height of the buildings to the north and south of the site. No 22 to the north is a protected structure and the gable wall adjoining the site is currently exposed. It is proposed to retain the historic stone protruding from No 22 on the first and second floor within the overall design proposal. The grounds of appeal submit the proposed development will have a negative impact on this building, in particular the lack of detail of finish between the two roofs and proposed fill of a sand and lime mix will lead to moisture penetration and possible fire damage. A Structural Engineers Report and Method Statement from the Conservation Architect where submitted as a response to a further information request state a lime mortar joint will be used between the exit and no 22, and a water tight joint will protect the fabric of No.22. In addition, the method statement refers to the use of a

“standing lead soaker joint” to form a full seal with No 22. I consider the use of these methods in the proposed development reasonable to protect the historic fabric and prevent a negative impact on the adjoining protected structure at No 22.

- 7.6. Visual Impact on ACA: The proposed height and design are an infill in the terrace, the openings on the first and second floor will match the adjoining No 22 and the signage on the ground floor. It is proposed to include hardwood sash windows on the facade of the building and the grounds of appeal argue that these should also be included in the rear of the building. Policy 8.3 of the development plan requires that all developments would protect and enhance the character of the ACAs in the City. I note the windows on the adjoining buildings are u PVC and I consider the inclusion of hard wood sash window on the front of the proposed building sufficient to enhance the character of this ACA. In addition to the windows, I consider the design of the building is in keeping with the adjoining buildings and does not detract from the character of the ACA.
- 7.7. Chapter 12 of the *Architectural Heritage Guidelines for Planning Authorities* provides guidance on shopfronts in ACA and refers to appropriate proportions and materials to respect the surrounding area. In addition, the *Galway Shopfront & Signage Design Guidelines* including principles such as simplicity, legibility etc. I note the design is traditional in nature with timber fascia, stall risers, plinths and pillars which I consider reasonable and in keeping with the signage on the Kings Head to the south. The report from the Heritage officer has no objection to the proposed façade but recommends the use of some wording in the Irish language, as the site is located within a Gaeltacht area I consider it reasonable to include this as a condition.
- 7.8. Based on the design of the building which is in keeping with the adjoining building and the use of traditional materials on the façade, I consider the proposed development would make a positive contribution to the streetscape along Middle Street and therefore, would have no negative impact on the character of the ACA or character and setting of any adjoining protected structure.

Archaeology

- 7.9. The subject site is located in the Zone of Archaeological Potential (ZAP) and the features of interest listed for No 24 include “*Site of Jesuit Hiding Place, medieval fabric to the rear*”. The submitted archaeological assessment refers to the lack of

excavations required and states there will be no disturbance below current grounds level. I note the photographs of the foundations submitted with the Structural Engineers Report illustrate excavation and the method statement refers to the “new” foundations. The report from the heritage officer recommends that all sub surface material is archeologically monitored with finds removed and recorded, in addition it is noted that the gable end of the adjoining house is post-medieval and should be recorded in detail. Based on the importance of this medieval site and the additional excavation, I consider it reasonable to require archaeological monitoring during construction.

Other Matters

- 7.10. The proposed development includes a change of use for office on the first floor, associated bin storage area within the rear courtyard and a new residential unit in the third floor and attic. The grounds of appeal submit that additional bin storage is required for the retail unit, no hours of opening are conditioned and no details have been submitted in relation to the fire safety or the building control. The applicant has submitted that the proposed development will be fully compliant with the Fire Safety Regulations and Building Control Regulations. In addition, it is stated that the retail unit will operate in line with the normal opening hours in the City, does not propose hot food and a waste collection facility is operational for commercial premises within Galway City. I note the proposed development does not include any proposal for seating in the rear courtyard.
- 7.11. Policy 11.4.3 of the development plan states that where appropriate, a residential content of at least 20% of the gross floor area will be required for all new development. I note the inclusion of the residential unit on the third floor and attic following a further information request and I consider the unit and associated amenity space appropriate for the site. Based on the limited size and scale of the unit and the current commercial development along Middle Street, I do not consider it would have a negative impact on the surrounding area.
- 7.12. Based on the current operation of the retail unit adjacent to residential properties, I consider the overall development complies with the development plan and is in keeping with the pattern of development of the surrounding area. In addition, I do not

consider it reasonable to include a condition restricting the hrs of operation of the premises.

Appropriate Assessment

- 7.13. The subject site is 250m from the edge of the Inner Galway Bay SAC although, having regard to the nature and scale of the proposed development within a serviced urban area, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, the planning history and the policies of the current Galway City Development Plan it is considered that the proposed development would not seriously injure the residential or visual amenity of the area and would not detract from the character or setting of the adjacent Protected Structure or the Architectural Conservation Area. The proposed development would, therefore, 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 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 out in accordance with the agreed

particulars.

Reason: In the interest of clarity.

- 2 The proposed shopfront shall be in accordance with the following requirements, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:-

(a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering and shall include an element of Irish Language,

(b) lighting shall be by means of concealed neon tubing or by rear illumination,

(c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(d) external roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour

(e) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity within the City Core Architectural Conservation Area.

- 3 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. Prior to commencement of development the applicant shall submit, to the planning authority and the Department of Arts Heritage and the Gaeltacht, a full photographic survey of the gable end of No 22 Middle Street and of the

existing building. 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.

- 4 Prior to commencement of development, detailed structural drawings and a construction methodology statement, including the results of detailed structural surveys of the protected structure and all building facades to be retained, indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façade and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interest of preserving the architectural integrity and heritage

value of the retained structures.

- 5 Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 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 developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission

Karen Hamilton
Planning Inspector

20th of February 2017