



An  
Bord  
Pleanála

## Inspector's Report PL19.248021.

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<b>Development</b>	Construction and redevelopment of the malt kiln and Malthouse to provide for a hotel, conference centre, casino, retail bar and ancillary works to protected structures.
<b>Location</b>	Water Lane/ Distillery Lane, Tullamore, County Offaly.
<b>Planning Authority</b>	Offaly County Council.
<b>Planning Authority Reg. Ref.</b>	16/365.
<b>Applicant</b>	Bridge House Hotel Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of permission.
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Bridge House Hotel Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> May 2017.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

1.1. The site is located in the town centre of Tullamore in what could be considered the historic core of the town. The site is irregular in configuration bounding Water Lane on its northwestern boundary, the rear of properties facing onto Patrick Street to the north; the Tullamore River to the south and the site also has frontage onto Distillery Lane. On the southern side of the river opposite the appeal site is a hotel which has frontage onto Distillery Lane and to the south of the hotel is a shopping centre, the Bridge shopping centre, and associated parking which is also primarily accessed from Distillery Lane.

1.2. On the site are two old structures both of which are protected structures. The building facing onto Water Lane is very distinctive and was formerly a malt kiln building and which has a very distinctive hipped roof profile with a timber appendage / ventilator system on a section of the roof ridge which is a poor state of repair. The building is currently disused and used in part for storage. The external walls which are random rubble are in a reasonable state of repair with tie plates visible on all floors. There are indications of modifications over the years including an upper level extension of the upper floor which has a brick finish. I accessed the building, however, it was difficult to access the interior space but some machinery was visible and the first floor ceiling was underpinned by a series of RSJ beams providing stability to the upper floors.

The other building which was formerly a malt house is located in the eastern area of the site and is in a poor state of repair with no roof with only the walls extant though it is visually evident that it was formerly a two bay building with two curved / arched roofs. There is evidence of intervention to the original walls which are dry rubble construction with some later addition of mass concrete. There is reference in the material submitted the removal of the roof which had an asbestos finish. The two buildings are connected by a brick archway with a passage way under the arch with a similar brick type on the archway to the upper section of the malt kiln.

Information submitted would indicate that the two buildings were originally built in the 19<sup>th</sup> century as part of a larger distillery complex.

1.3. Part of the remainder of the site is used for car parking.

1.4. The site has a stated area of 0.1798 hectares.

## 2.0 Proposed Development

2.1. The proposed development as submitted to the planning authority on the 18<sup>th</sup> of November 2016 was for the following;

2.1.1. The development provides for the construction and redevelopment of the malt kiln and Malthouse to provide for a hotel, conference centre, casino, retail units, bar and restaurant and ancillary works to protected structures and the construction of an additional building on the site. The development comprises three blocks, two of which are five stories in height a new building and the redevelopment of the malt store and one which is three storied which is the malt kiln building.

2.1.2. In addition to the drawings a design statement was submitted indicating;

- The overall concept of the proposed development and its context with its immediate environs and the protected structures on the site.
- The design statement also refers to the issue of access and egress internally within the proposed development and the immediate area.
- It is indicated in the design statement that intervention to the protected structures will be in line with best practice conservation methods.
- Visualisations of the proposed development is outlined.

2.1.3. In addition, an Architectural Heritage Impact Assessment prepared by John Cronin and Associates was submitted.

- The assessment includes a historical survey of material in relation to the site and the two buildings on the site.
- An evaluation of the existing buildings.
- An assessment of the overall development in the context of preserving the existing buildings and the interventions proposed in relation to the buildings.
- In relation to the Malthouse there is reference to an appropriately experienced engineer may be best placed to design a suitable structure that also ensures

the correct treatment of retained historic fabric and the minimum loss possible of original material (page 9).

- The assessment concludes that the development will bring two of the remaining historic buildings back into use after decades of abandonment and the additional building will reinstate a frontage façade onto Water Lane and a sympathetic transition between the old buildings and the modern new buildings which will surround it and provide a positive effect.
- Photographs of the site are also included.

2.1.4. A report in relation to Part B and Part M compliance is submitted.

2.1.5. Reports in relation to water services and other aspects of engineering are submitted.

2.2. Specifically, in relation to the proposal the works relate to;

- Works relating to the conservation and redevelopment of two protected structures, the malt kiln RPS Ref. No. 23-202 and the Malthouse RPS Ref. No 23-403 and the construction of a new 5 storey building located in proximity to the junction of Water Lane and Distillery Lane. In effect there are three main building elements associated with the overall proposed development with provision for linkage and permeability throughout the site and also to the existing hotel located on the other side of the river;
- A range of works varying between 1 and 5 stories in height.
- The new building which I will refer to as B3 is proposed to be a five storied building of a modern design and construction with retail units on the ground floor and hotel related uses accommodating, 32 bedrooms, on the upper floors. The building will have a flat roof finish. This building is located in close proximity to the junction of Water Lane and Distillery Lane.
- The malt kiln building referred to as B1 in the submitted drawings will in relation to the external elevations be largely retained as it is currently and have three levels. It will have a mix of hotel related uses including a casino and bar. There are removal works proposed on all levels to the external elevations but these are mainly at ground floor level (drawing no 3.1.200) with also major intervention works on the south west and north east facing elevations.

- The Malthouse referred to drawings as B2 will be it is proposed be developed to a five floor structure with three additional floors above the two storied extant walls. There are removal and intervention works proposed to the existing extant walls which are rubble walls in sections and also incorporate mass concrete. The extent of intervention is outlined on drawing number 3.1.205. The external finishes of the upper three floor will match that of the new building already referred to and accommodate a range of hotel related uses and 54 bedrooms on the upper three levels.

2.3. The development will provide for therefore provide for

- A 86 bedroom hotel,
- A conference centre,
- A casino,
- 3 retail units,
- A hotel restaurant and bars.
- Ancillary storage, toilets staff facilities;
- The provision of a new bridge link between the existing Bridge House Hotel and the proposed hotel/development.
- The provision of a new terrace along the proposed development facing onto the Tullamore River.
- Signage and associated works.

2.4. The works largely involve in relation to the protected structures works internally and connection to the new build works. There is therefore also a new relationship between the protected structures and the immediate surroundings.

2.5. The stated floor area of existing buildings is 2,264 m<sup>2</sup> and the gross floor area of proposed works is stated as 2,549 m<sup>2</sup>.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision of the planning authority was to refuse planning permission. Three reasons were stated.

- 3.1.1. The first reason refers to design and refers to the aesthetically unappealing elevational treatment of proposed buildings B1 and B2 which would result in dominant visually incongruous structures which would have a profound visual impact on the streetscape.
- 3.1.2. The second reason for refusal refers to the proposal to enclose the external walls of the Malt House would be contrary to objectives TTEO 12-05 and TTEO 12-06. There is also reference to detracting from the view and historic nature of the Malt House which are protected structures.
- 3.1.3. The third reason for refusal refers to a lack of parking and impact on traffic safety and free flow of traffic movements.

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

#### **3.2.1. Planning Reports**

The planning report dated the 17<sup>th</sup> of January 2017 refers to;

- It is not entirely clear but would appear that it will be an independent hotel from the existing Bridge House Hotel.
- In relation to zoning the development complies with the development plan.
- Reference is made to policies and objectives of the development plan in relation to architectural conservation.
- Refusal of the development is merited on the basis of the absence of traffic information.
- Reference is made to the architect's report and also the submission of the Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- Reference is made to the poor visual presence of the proposed development.

- Refusal was recommended.

### 3.2.2. Other Technical Reports

The report of the senior executive architect dated the 29<sup>th</sup> of December 2016 refers to;

- The report refers to the protected structures and in relation to the Malthouse (23-202) indicates although in a bad state of repair there are still some discernible features visible in the industrial building, good brickwork and a striking feature of timber air vents in the roof.
- Reference is made to historical interest and distinctive element in the townscape.
- Reference is made to the proposed development and absence of clarity in relation to retention of elements and removal of elements in the protected structure and also in relation to condition in particular of the old warehouse building.
- Reference is made to the design and the need for the proposal to have its own identity and avoidance of repetition.
- Concern is expressed in relation to two vast very tall blocks as part of the proposal and the sense of overpowering scale on the street.
- A number of recommendations are outlined.

Water services report recommended further information on a range of matters.

The roads report makes reference to the absence of traffic management and car parking provision and for the need for a TIA and a car parking plan.

### 3.3. Prescribed Bodies

The report of the Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs dated the 22<sup>nd</sup> of December 2016 refers to,

- There is no objection in principle to the development of the two protected structures but there are issues which require to be dealt with in relation to firstly the design of the intervention and secondly the details of the conservation/upgrading/alteration work to be carried out.

- In relation to the Malt kiln building the minimisation of intervention is welcome but there is an absence of detail of actual works required to stabilise/repair features.
- In relation to the Malthouse it is proposed to retain the masonry walls and to build on top of them but there is an absence of the feasibility of this. There is also the question of loss of character as rendering will conceal the old fabric.
- The new 5 storey buildings will have an overbearing effect on the protected structures.
- A more detailed conservation specification is required in relation to the protected structures and also the issue of integration.
- Revised proposals are recommended requiring a reduction in height of the proposed converted Malthouse and new building to the south of the kiln and revisions to fenestration. There is also a requirement for a method statement for the two structures and surviving structures to take into account structural and architectural issues.

### **3.4. Third Party Observation**

Tullamore Credit Union made a submission in support of the proposal but concern is raised in relation the impact of the scale of the proposed development on their premises and the area.

## **4.0 Planning History**

No history relating to the appeal site.

## **5.0 Policy Context**

### **5.1. National Guidance**

- 5.1.1. **The Architectural Heritage Protection Guidelines 2011** provide guidance to Planning Authorities for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest including identification of structures, provisions for their inclusion in



a record of protected structures, requirements in relation to provisions in statutory development plans and development control.

- 5.1.2. Chapter 6 relates to development control and outlines the process for the assessment of development affecting protected structures. The guidelines indicate information to be submitted and there is reference in section 6.4.16 to the submission of a method statement and specification could be required for all works to the protected structure and any features of interest within the curtilage of the site which could affect their character and special interest. In section 6.8.9 in relation change of use it is indicated that “in considering an application for the material change of use of a protected structure, the planning authority will have to balance its continuing economic viability if the change is not permitted with the effect on the character and special interest of its fabric of any consequent works if permission is granted”. Demolition is only considered in exceptional cases.
- 5.1.3. Part 2 of the guidelines outline detailed guidance notes within the overriding requirement to apply conservation principles and the process of caring for buildings and places and of managing change to them in such a way as to retain their character and special interest including keeping the structure in use, the engaging of the required expertise in conservation, protecting the special interest and keeping intervention to a minimum. Guidance is outlined in relation to individual components of structures in various chapters.
- 5.1.4. In addition to the protected structures the curtilage and attendant grounds are also of importance in considering any development in or proximate to protected structures and there is detailed guidance in this regard outlined in chapter 13.
- 5.1.5. **The Planning System and Flood Risk Management Guidelines 2009** provide guidance in relation to the consideration of flood risk identification, an assessment of risk and its overall management in the planning process through the application of the sequential approach and, if necessary, the application of a justification test.

The core objectives of the Guidelines are essentially to avoid inappropriate development in areas at risk of flooding and also the avoidance of new developments increasing flood risk elsewhere, including that which may arise from surface water run-off.

## **5.2. Development Plan**

- 5.2.1. The current operative statutory development plan is the Tullamore Town and Environs Plan 2010-2016 extended until 2020.
- 5.2.2. The site is zoned town centre in the development plan which has an emphasis on commercial and retail as the primary uses though permitting a range of uses which are considered compatible to the primary uses. The uses as proposed are permitted uses.
- 5.2.3. Chapter 10 relates to Infrastructure and Environment. Flooding is specifically referred to in section 10.2.2. The site does not appear to be located within an area identified areas that are at risk of flooding in the Tullamore Flood Risk Assessment and Management Study (FRAM) 2008. In such areas and generally the plan requires that any planning application for development on lands that are identified as being prone to flood would be required to satisfy the Councils that it has full regard to the FRAM study and that the proposed uses are appropriate for their location and the consequent risk of flooding and includes the implementation of mitigation measures as contained in the study.
- 5.2.4. Chapter 12 relates to Built Heritage where there is an overriding aim to conserve, protect and enhance the built heritage of Tullamore where possible.

In relation to strategy it is indicated that the “Heritage Town of Tullamore has a substantial legacy of eighteenth and nineteenth century town centre buildings set in a network of wide streets and squares. In particular, the central areas of Patrick Street, William Street, Church Street, Bridge Street, High Street and O’Connor Square have retained and enhanced their essential character. There are notable remains to indicate the town’s previous important role as a centre for brewing and distilling”.

In relation to new development section 12.2.1.1 refers to that “it is essential that any renewal or new development should respect and complement the character of the town. The overall policy of the Councils will be based on maintaining the character and attractiveness of Tullamore by carefully controlling development, in particular, in the town centre. The Councils will encourage contemporary development, higher density and/or mixed-use development, where the applicant can successfully

demonstrate that any proposal will not negatively detract from the character of the existing built environment”.

Specifically, in relation to protected structures section 12.2.1.4 refers to Change of Use of Protected Structures and that “Council will favourably consider the change of use of any building listed for protection provided such a change of use does not seriously impact on its intrinsic character” and section 12.2.1.5 in relation to the Demolition of Protected Structures that “there is a presumption against the demolition of Protected Structures. Planning permission is required for any works which materially affect the character of a protected structure. It should be noted that planning permission for the demolition of a protected structure will be granted only in exceptional circumstances in accordance with Section 57(10)(b) of the Planning and Development Acts 2000 to 2009”.

5.2.5. Policy in relation to Architectural Heritage is outlined in section 12.4 and include;

- TTEP 12-01 It is the Councils’ policy to ensure that the alteration or extensions to Protected Structures will only be permitted if the proposals are in keeping with the character of the building and safeguard the special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest of the building or structure.
- TTEP 12-02 It is the Councils’ policy to encourage the rehabilitation, renovation and re-use of existing old structures, where appropriate, over the demolition of same and new-build on-site. Such rehabilitation, renovation and re-use works to existing vernacular structures must positively contribute to the streetscape of the area.
- TTEP 12-03 It is the Councils’ policy, where appropriate, to exercise the powers conferred by sections 59-80 of the Planning and Development Acts 2000-2006 to ensure the conservation of Protected Structures.
- TTEP 12-04 It is the Councils’ policy to protect and enhance streetscapes, vistas and squares which make up Tullamore’s present urban form, having regard to the recommendations of the Tullamore Public Realm Strategy.
- TTEP 12-05 It is the Councils’ policy to encourage contemporary development within Tullamore where the applicant can successfully demonstrate that any

proposal will not negatively detract from the character of the existing built environment.

- TTEP 12-06 It is the Councils' policy to encourage mixed-use and/or higher density development within Tullamore where the applicant can successfully demonstrate that any proposal will not negatively detract from the character of the existing built environment.
- TTEP 12-07 It is the Councils' policy to preserve and protect Tullamore's built environment and heritage in terms of streetscapes, structures and features of architectural heritage interest using the legislative provisions of the Planning and Development Acts 2000 to 2009. The design and layout of new housing and other development will be encouraged to enhance the setting of existing structures of architectural heritage merit.
- TTEP 12-09 It is the Councils' policy, where appropriate and necessary, to request applicants provide an appropriate level of investigation and recording (including survey drawings and photographic records) where development proposals may affect the character or setting of a structure of architectural heritage merit.

Objectives are also set out in relation to architectural conservation including;

- TTEO 12-01 To protect all structures listed in the Tullamore Town Record of Protected Structures, that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in Tullamore.
- TTEO 12-05 To encourage the retention and suitable redevelopment of structures of interest, which are part of the towns milling and distilling heritage.
- TTEO 12-06 To preserve and protect the town's industrial heritage, especially the two mills at Water Lane.

5.2.6. The malt kiln is a listed protected structure RPS ref 23-202 and the Malthouse is also a listed RPS ref 23-403 and are referred to in the list of protected structures in the plan. The record of protected structures indicates a description and appraisal of each building.

5.2.7. Chapter 14 of the plan outlines development standards in relation to a range of matters including signage, permeability, parking (section 14.2.15.1 and table 14.2), flooding and access. Protected structures are addressed in section 14.2.13.

## **6.0 The Appeal**

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

6.1.1. The appellant has submitted a grounds of appeal which includes a number of appendices (22).

6.1.2. In the grounds of appeal there is reference to the following.

- The site description, context zoning and policy with reference to appendix M of the submission.

6.1.3. There are responses to matters raised in the planning assessment of the planning authority.

- It is indicated that the proposed development will be integrated as part of the existing Bridge House Hotel and as part of the application a new link bridge is proposed linking both sides of the river allowing permeability and movement throughout the site.
- The development is a positive development in the context of the town of Tullamore and the provisions as stated in the Tullamore Street Enhancement Project.
- There was only one local submission received by the planning authority in the course of the application and the overall consensus is that the development is deemed as acceptable by the local community.
- Reference is made to the redevelopment of a grain store to the south west of the site where the applicant was afforded an opportunity to submit further information which was afforded in the current proposal.
- The grounds of appeal address matters raised in the planning report
- Reference is made to pre planning discussions and that in the current proposal a balance has been achieved of retaining in particular the malt kiln

and accommodating the necessary alterations to provide for the continued use and enjoyment of the structures.

- The applicant was not afforded the opportunity to respond to matters raised by the roads department and fire officer.
- In relation to parking the appellant refers to the presence of car parking in the area 300 spaces to which the current hotel has access.
- Reference is made to a revised proposal providing 30 spaces at basement level and other parking can be provided in close proximity to the site. This proposal is part of an overall revised submission outlined in the grounds of appeal and in the appendices with reference in particular to appendices O, P and V.
- In preparing the proposal the appellant has striven to adapt an approach of conservation of the protected structures with a proposal of a contemporary nature to ensure the maintenance and reuse of the protected structures.
- The revised proposals submitted to the Board reflect consideration of matters raised in submissions from the Department and the planning authority. It also reflects policy as stated by the planning authority in relation to the reuse of protected structures.
- The planning authority refer to flood risk but did not request further information in this regard. The appellant would undertake this if requested to do by the Board or accept this by way of condition.
- To address visual issues raised by the planning authority and the need for a radical revision the appellant has submitted revised proposals which reduce the scale of the development to a building of 4 storied, 3 stories over ground floor and reference is made in this regard to appendices O, P and V. Parking is also addressed though the planning authority's concern in relation to parking is unjustified. The revised proposals address concerns and other matters raised can be conditioned or requested by An Bord Pleanála.

6.1.4. Referring to the stated reasons for refusal;

6.1.5. In relation to the stated reason for refusal no. 1, the revised proposals in appendices O, P and V indicate the design intentions more accurately and clearly.

- 6.1.6. In relation to the stated reason for refusal no. 2, reference is made to the revised proposals, that the stone elevations will be repaired, consolidated and repointed and the scale of the building, materials and tone of the materials has been adjusted to provide a more suitable backdrop to the existing protected structures.
- 6.1.7. In relation to the stated reason for refusal no.3, the reference to parking and overall traffic is questionable given the level of parking in the town centre, the availability of nearby parking and the capacity and usage of the car parks. Figures 2, 3 and 4 illustrate parking and proximity to the appeal site in the town centre area.
- 6.1.8. The grounds of appeal then address the conservation officer's assessment of the application and refers to the proposed development complementing the existing hotel and that there will be linkage and permeability throughout the site. The proposal it is indicated will provide much needed landscaping and upgrading of this area of the town. The appellant has strived to reduce the impact on the malt kiln structure and the uses proposed are complementary to the hotel use. In relation to malt house structure, the state of repair required clearance of the building and removal of an asbestos roof. It is indicated that the original random rubble walls at ground and first floor level were raised in mass concrete in the 1900s. it is also stated that many issues raised were not afforded the opportunity to be addressed by further information in particular design, use of materials and colour. The appellant would comply with conditions in relation to retention of the arch, use of materials and methods of repair
- 6.1.9. Issues relating to surface water raised by the planning authority can be addressed and a flood risk assessment and matters of water quality can be similarly addressed.
- 6.1.10. Matters relating to traffic management raised in the roads report can be supplied to the Board.
- 6.1.11. In relation to matters raised by the DHRG the issues relating to stabilisation of the walls of the protected structures and information and a method statement as requested by the Department can be supplied to the Board or conditioned. Other matters raised in relation to interventions to the malt house including building on the existing walls and consolidation of these walls are addressed in appendices O, P and V. The revised proposals also address concerns in relation to the concern in relation to scale and impact on the protected structures.

6.1.12. The issues raised in the submission of Tullamore Credit Union are addressed in the revised submission to the Board.

6.1.13. In relation to the appendices submitted Appendix O contains the revised plans elevations and sections referred to in the grounds of appeal.

- The revised proposal provides for a basement level with 30 car parking spaces with access off Water Lane.
- The revised proposal submitted to the Board retains three distinct building elements, the malt kiln, the malt store and a new building in proximity to the junction of Water Lane and Distillery Lane.
- The ground floor layout retains the footprint of the two existing buildings, the ground floor of the new building in proximity to the junction of Water Lane and Distillery Lane; internal linkages for the three buildings, an external walkway along the northern side of the river and a bridge across the river providing connection to the existing hotel.
- In relation to the upper levels, the malt kiln building is retained in its current form and height with two upper floors. The malt house building is proposed as a having four floors with bars and function rooms on the lower two floors and bedrooms on the upper floors. The new building has three retail units at ground floor and bedrooms on the upper three floors.
- The new building is flat roofed of a modern design and construction. The malt kiln retains its external appearance and the malt store building retains at the lower two levels aspects of the current external construction and a modern finish at the upper levels.

6.1.14. Appendix P indicates revised visuals in relation to the revised proposal as referred to in the grounds of appeal.

6.1.15. Appendix R refers to matters to address issues raised by the fire officer in the original proposal as submitted to the planning authority.

6.1.16. Appendix T is an engineering report in relation to the basement car park proposal.



## 6.2. Planning Authority Response

The planning authority in a response dated 15<sup>th</sup> of March 2017 refer to;

- The planning authority did not consider that a further information request was not the correct course of action.
- It is noted that in relation to road issues, surface water issues, flooding issues and architectural issues which should be addressed, the applicant considers that this can be remedied and addressed by a request of further information by the Board. The planning authority do not consider that these issues should be addressed after the lodgement of an appeal and indicates the incomplete nature of the application.
- The applicant has submitted revised proposals which include 30 underground parking spaces but these proposals have not been advertised and there is no mechanism for public comment on these proposals.
- There is no response to the issues of parking and traffic.
- There is no clarity in relation to availability of parking referred to in the grounds of appeal.
- There are still issues in relation to architecture and flooding.
- The architect in responding questions whether the provision of underground parking has been assessed in relation to structural implications for the protected structures.
- There are discrepancies in the revised proposals in particular in relation to finishes.

## 7.0 Assessment

7.1. Initially I propose to address the principle of the development and then consider the details of the propose development.

7.2. Principle of the development.

7.2.1. The site is located within the town centre and the uses as proposed are compatible with the zoning. It is noted that the principle of the development in relation to the

proposed land uses and the reuse of the protected structures is not in conflict with the overall provisions of the development plan and were not as such stated reasons for refusal in the planning authority's decision.

7.2.2. I would have no objections to the uses which are proposed which are primarily hotel related uses, are compatible with the town centre zoning and the area in general. There is also the positive aspect of revitalising areas currently vacant and derelict and also the increased access and permeability achieved.

7.2.3. In principle I would therefore have no objections to the development.

7.2.4. The nature of the issues relating to this appeal are in relation to the design and construction of the proposed development which are addressed in section 7.3 of the report.

7.3. Issues relating specifically to the proposed development.

7.3.1. In relation to the assessment of the development the development provides for the redevelopment of two existing buildings and the construction of an additional building together with other works ancillary to the buildings and provided permeability and access through the site. The two existing buildings are the malt kiln which I will refer to as B1 and the Malthouse which I will refer to as B2. Both buildings are protected structures. The new building which is part of the development I will refer to as B3.

7.3.2. The planning authority decision was to refuse the proposed development. Three reasons were stated. The reasons relate to visual impact on the streetscape, matters relating to proposals in relation to the malt house building and that it would contravene materially objectives TTEO-05 and TTEO-06 of the development plan and the third reason relates to parking.

7.3.3. I propose to assess the appeal based on the reasons within the context of the stated which largely concur with what I consider to be the main issues which are firstly the design and layout of the proposed development and also its context to the area and secondly matter relating to infrastructure servicing the development.

7.4. Design and context.

7.4.1. Initially however, I note that in the grounds of appeal the appellant has submitted revised details and information to address the refusal of the planning authority and also in the grounds of appeal has indicated a willingness should the Board wish to

that further information could be submitted to address any matters which if the Board were considering a grant of permission could not satisfactorily address by condition.

The appellant has submitted these revisions in the grounds of appeal considering that the planning authority could have addressed many of its concerns by requesting further information but did not choose this course of action.

- 7.4.2. I also note that the planning authority in their response do not consider it appropriate to address the reasons for refusal by condition and the submission of revised details. This is a matter which the planning authority can do based on their assessment of the initial proposal.
- 7.4.3. The amended proposal as submitted in the grounds of appeal largely retains the original design concept of three blocks with reduction in height of blocks B2 and B3. There is also a basement level incorporating car parking.
- 7.5. In relation to design the first reason for refusal refers to the aesthetically unappealing evaluation treatment of buildings B2 and B3 on a prominent site and would result in dominant incongruous structures and would have a profound negative impact on the streetscape of Tullamore. The second reason refers to the design in particular of B2 and the enclosure of the existing walls and the detracting of the visual and historic setting of B1.
- 7.5.1. In relation to this reason for refusal the design initially provided for the construction of a new building B3 initially as submitted to the planning authority as a five storied building of a modern design and construction with retail units on the ground floor and hotel related uses accommodating, 32 bedrooms, on the upper floors. The building will have a flat roof finish. The building would occupy a prominent location in the streetscape in close proximity to the junction of Water Lane and Distillery Lane. The revised submission to the Board reduces the height by one floor. The building will occupy a close relationship along the streetscape with the malt kiln (B1).
- 7.5.2. The planning authority expressed major reservations in relation to the design of B3 and its relationship with the surroundings including B1. The issue was not necessarily that a modern design of building was proposed but the nature of the building; its overall design and finishes and given the prominence of the site required a design and building with its own identity rather than similarity to B2 and the Bridge

House Hotel. It also noted that the building height should be dropped by one if not two floors to reflect assimilation with its surroundings including B1.

- 7.5.3. I would also note that in The report of the Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs dated the 22<sup>nd</sup> of December 2016 that there is no objection in principle to the development of the two protected structures but there are issues which require to be dealt with in relation to firstly the design of the intervention and secondly the details of the conservation/upgrading/alteration work to be carried out. There is reference to the overbearing effect of the new five storey building on the protected structures.
- 7.5.4. I would largely agree with this position as stated by the planning authority and the Department and a simple reduction by one storey does not address the design issue. It is a corner site removed from B2 and the Bridge House Hotel and it does offer an opportunity for a better expression or design statement and relationship to the Malt Kiln which in the initial and revised form as presented represents a dominant and inharmonious relationship.
- 7.5.5. In relation to B2 the proposal is to build above the extant existing elevations and create three additional floors with a similar design and finish to B3. A reduction of one floor from five floors initially to four in the grounds of appeal is indicated.
- 7.5.6. There is no clear indication of how this will be achieved though there is reference to it having been achieved on other developments. There are also indications in relation to the surviving walls, a mix of rubble and mass concrete, of major intervention as outlined on drawing number 3.1.205. There is an engineering report but no detail and reference to the need for further testing of ground conditions on the site. There is also in the revised submission the addition of a basement level which will be under both B1 and B2 and this requires considerably more information in particular in relation to the potential impacts on both protected structures.
- 7.5.7. The department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs report also refers to similar issues in particular where it is proposed to retain the masonry walls and to build on top of them but there is an absence of the feasibility of this. There is also the question of loss of character as rendering will conceal the old fabric. There is also reference to a more detailed conservation specification is required in relation to the protected structures; to the issue of integration; a requirement for a method

statement for the two structures and surviving structures to take into account structural and architectural issues.

7.5.8. In this regard I would refer to the architectural heritage protection guidelines and the methodology to be applied/considered in a proposal affecting protected structures and their surroundings. I would also note that the guidelines refer to the information to be submitted and there is reference in section 6.4.16 to the submission of a method statement and specification could be required for all works to the protected structure and any features of interest within the curtilage of the site which could affect their character and special interest.

7.5.9. In overall terms I would therefore have major reservations in relation to the development as proposed and the further information as submitted in the grounds of appeal. I do not consider that the design concept in particular of B2 and B3 in its initial proposal and subsequent reduction of one storey project a favourable relationship with B1 which is a distinctive building in its own right and of interest in relation to industrial architectural heritage.

A better relationship should be established in relation to design where B1 is reflected in a more favourable setting with the surrounding built environment. The provision of a new building as proposed in B3 could be a new modern building but requires its own identity and should complement the malt kiln rather be an overbearing feature in its relationship to the malt kiln building.

There is an absence of a method statement in relation to the conservation of the buildings and given the nature of the structural condition of B2 more information and investigation is needed to evaluate what level and scale of development can be accommodated within the footprint of B2. The proposal to provide for additional levels above the existing walls needs to be set out in a more detailed report outlining the structural condition of the existing structure and the scale and level of intervention necessary to retain the structures.

There is also equally importantly a need to develop a stronger creative visual relationship to B1 and its surroundings.

Any proposal which provides for a basement level would require a more detailed structural appraisal in relation its impact on the protected structures.

- 7.5.10. I do consider that many of these issues can be satisfactorily addressed by condition and a re-evaluation of the design is, I consider, necessary.
- 7.5.11. Would note that I consider that there is sufficient information in the details submitted to establish that there is linkage between the proposed development and site and the existing hotel and site.
- 7.6. In relation to services the third reason for refusal refers to an absence of adequate parking and issues of traffic safety. In the grounds of appeal, the appellant proposes to provide for basement level parking to address this deficiency.
- 7.6.1. There are issues in relation to the impact on the existing protected structures arising from such a measure. It is not a question that it cannot be achieved it is a question of demonstrating that it can be achieved.
- 7.6.2. There is also the issue of whether it may be necessary to provide on-site parking or whether alternative parking can be provided. There is an absence of any assessment of traffic impact rising from the development. Such an assessment would be desirable and obviously any TIA would be based on the actual nature and scale of the development.
- 7.6.3. In relation to water services these issues can be resolved by condition.
- 7.6.4. In relation to the issue of flooding having reviewed the Tullamore Flood Risk Assessment and Management Study (FRAM) 2008 the site does not appear to be within an area at risk to flooding but there are areas within the town centres which area and there are extensive areas to the west and east of the town which are also at risk. New development can however impact elsewhere and an appraisal of risk and measures to address ant potential risk would be an appropriate response in particular given the site's proximity to a watercourse and also if any basement level development is envisaged.

The Planning System and Flood Risk Management Guidelines 2009 provide guidance in relation to flood risk, the assessment of risk and its overall management in the planning process through the application of the sequential approach and, if necessary, the application of a justification test.

The core objectives of the Guidelines are essentially to avoid inappropriate development in areas at risk of flooding and also the avoidance of new

developments increasing flood risk elsewhere, including that which may arise from surface water run-off. The application of an assessment would have been desirable in relation to this site to eliminate any risk arising or contributing to flooding downstream of the site.

## 7.7. Conclusions.

- 7.7.1. I would have no objections in principle to the redevelopment of the site in an appropriate manner or the nature of uses proposed.
- 7.7.2. I would have major concerns in relation to the proposal as initially submitted in relation to the design, layout; relationship to protected structures, the protection of the existing structures and the relationship to its immediate area. These would be more readily addressed having determined what is feasible after further investigation, survey and appraisal.
- 7.7.3. I do not consider that such concerns are addressed in the revised proposals submitted in the grounds of appeal.
- 7.7.4. I do not consider that they can be addressed by appropriate or suitable conditions.
- 7.7.5. The issue of parking and traffic requires to be resolved whether as part of the design solution through basement parking or an alternative solution of parking not involving parking on the site.
- 7.7.6. Other services issues require resolution and issues of flood risk should be appraised and considered in any design proposals for the site.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused.

## 9.0 Reasons and Considerations

1. It is considered that, by reason of its design, bulk, scale and mass of proposed buildings B2 and B3; the prominence of the site's location in a town centre area and the visual relationship of these buildings with the malt kiln protected structure building RPS 23-202 on the site referred to on the submitted drawings as B1; that the proposed development would materially

and adversely affect the character and setting of the Protected Structures on the site and would adversely impact on the visual amenities of its immediate area and streetscape. The proposed development also by reason of its excessive height relative to surrounding buildings in particular the malt kiln building, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this area, which it is appropriate to preserve. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. In relation to details submitted in relation to this proposed development, the Board are not satisfied that in relation to the feasibility of the proposal to retain and conserve the remaining elements of the Malthouse, a protected structure RPS 23-403, as indicated on the submitted drawings by constructing above the extant walls of this structure; that sufficient information was been submitted in relation to the protection of the stability of this structure; and that a method statement in relation to all works including interventions on both protected structures on the site should form part of any proposal for the site. The proposed development is, therefore, seriously deficient in the necessary information in which to assess the proposed development.
3. It is considered that in relation to the proposed development there is an absence of car parking provision for the proposed development, an absence of details relating to any feasible proposals to address same and of any overall appraisal of traffic impact arising from this development generated by the proposed development and of measures to address any impacts arising. In the absence of such proposals and measures it is considered that that proposal could give rise to conditions which would be prejudicial to public safety by reason of traffic hazard on the public road network in the vicinity would interfere with the free flow of traffic and endanger public safety by reason of obstruction to road users and pedestrians.



4. The Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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Derek Daly  
Planning Inspector

23<sup>rd</sup> May 2017