



An
Bord
Pleanála

Inspector's Report PL12.300062-17

Development	Part change of use from recreational/retail and exhibition space to education and training facility at ground, first and second-floor level, with internal alterations (Protected Structure)
Location	Market Yard Centre, Townparks, Carrick-on-Shannon, County Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	17/144
Applicant(s)	MRD (Marketing) Company Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	David Lawlor
Observer(s)	None
Date of Site Inspection	5 th February 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located centrally within the town of Carrick-on-Shannon in County Leitrim, at the junction of St. George's Terrace and Bridge Street.
- 1.2.** It contains two to three-storey stone buildings under slate roofs, opening onto a courtyard space with pedestrian access off Quay Road and St. George's Terrace. The buildings on site are included in the Planning Authority's Record of Protected Structures. The southern and western wings of the building date from the 1830s, while the northern wing along St. George's Terrace is a recent addition. The buildings are currently used for a mix of uses including a charity shop, a health food shop, a coffee shop and shoe repairs shop, all accessed from the courtyard space. The site also features a restaurant located along Bridge Street and townhouses along Quay Road. The central courtyard space is used for exhibitions and performances, and this accommodates a weekly farmers' market. When required, vehicular service access into the courtyard space is available through an archway off Quay Road. The original buildings were refurbished, upgraded and extended during the late 1990s / early 2000s, and it is stated by the applicant that the facility is now operated by a local community agency.
- 1.3.** The surrounding area is generally characterised by a range of town centre uses including various shops, restaurants, public services, recreational grounds and education facilities. Many of the immediate surrounding buildings date from the nineteenth century, including a terrace of buildings opposite the appeal site on St. George's Terrace. Ground levels in the immediate vicinity drop steadily southwards to the River Shannon. On-street 'disc parking' is available along Quay Road and St. George's Terrace.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:
 - Change of use of a recreational/retail unit at ground floor and exhibition space at first and second-floor level on the southern wing of the Market Yard Centre,

with a stated gross floor area (GFA) of 371sq.m, to education and training facility, including guidance and information office at ground-floor entrance level, three classrooms, a canteen and toilet facilities at first-floor level and a classroom and resource room/store at second-floor level.

2.2. The application was accompanied by a set of photographs of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to seven conditions of a standard nature, including the following:

Condition No.2 provide a construction management plan;

Condition No.4 works to be supervised by a Conservation Architect;

Condition No.7 provide an operation management plan.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer noted the following:

- Proposed use represents a welcome return of activity to an otherwise vacant and unused space within the town centre;
- No external works are proposed and the only interventions to the buildings would comprise revised internal layouts. A Conservation Architect's report is, therefore, not necessary;
- Development would not increase demand for car parking based on Local Area Plan parking standards;
- Development contributions do not apply.

3.2.2. Other Technical Reports

- District Engineer - no response;

- Fire Officer - no response;
- Access & DAC Officer - no response.

3.3. Prescribed Bodies

- An Taisce - no response;
- Department of Culture, Heritage & the Gaeltacht (Development Applications Unit) – no response;
- Fáilte Ireland – no response;
- The Arts Council – no response;
- The Heritage Council – no response.

3.4. Third-Party Submissions

- 3.4.1. One submission was received during consideration of the application and the issues raised are covered in the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. There are three recent planning applications relevant to the appeal site, including the following:

- Ref. 12/309 – Permission granted (March 2013) for a public mezzanine floor in the courtyard with bridge linking to St. George’s Terrace and the existing building, a translucent roof structure over part of the courtyard and a storeroom, with public area above, along the boundary with St. George’s Terrace;
- Ref. 02/00191 – Permission granted (December 2002) for a canopy to bandstand;
- Ref. 12963 – Permission granted (January 1997) for complete refurbishment and extensions to the Market Yard centre, incorporating restaurant, office, commercial and residential uses.

4.2. Surrounding Sites

4.2.1. Reflective of this town centre location, there has been extensive applications for various uses within the immediate area, including the following:

- No.1 & 3 St. George's Terrace (20m north of appeal site) –
Ref. 17/213 – Notification of decision to grant development (January 2018) involving demolition, refurbishment and extension works to protected structures, to provide for residential, commercial, retail and office uses;
- St. George's Terrace Restaurant (20m west of appeal site) –
Ref. 14/91 – Permission granted (March 2015) for change the use of former bank and offices (Protected structure), to restaurant and cookery school;
- Mayo, Sligo and Leitrim Education and Training Board (ETB), St. George's Terrace (60m west of appeal site) –
Ref. 13/235 – Permission granted (March 2014) for alterations to education and training facility offices.

5.0 Policy Context

5.1. Carrick-on-Shannon Local Area Plan

5.1.1. The appeal site has a zoning objective 'Mixed-Use' within the Carrick-on-Shannon Local Area Plan 2010-2019 with a stated objective (2.3a) to develop 'for commercial, cultural, residential, retail and related uses'. Zones designated as 'Mixed Use' have been identified in the Town Centre within which a mix of residential and commercial activity takes place. The Plan encourages buildings in 'Mixed-Use' zones to be designed and located so as to be capable of adaptation to a range of other uses. The Local Area Plan does not specifically outline whether or not 'education and training facilities' would be acceptable on 'mixed-use' or other zones. Schools are 'acceptable in principle' on 'Mixed-Use' zones, subject to compliance with the relevant policies, standards and requirements of the Local Area Plan. Section 2.07 of the Local Area Plan recognises the importance of Carrick-on-Shannon in serving as a centre for educational services for the surrounding region.

5.1.2. The Plan recognises the arts and crafts role of the Market Yard centre, within the 'cultural quarter' of the town. This is further reflected in Tourism Policy 9.1g, which

states that 'it is the policy of the Council to facilitate and promote the use of the Market Yard as a multi-activity centre for food markets, craft markets etc'.

5.1.3. The 'Market Yard & Buildings' have been included in the Record of Protected structures for the town since 1985 (Ref. no. 46), and the appeal site is also located in an Architectural Conservation Area. The following policies and objectives are relevant:

- Policy 11.3a - It is the policy of the Council to protect the buildings and structures listed for protection in the Record of Protected Structures for County Leitrim that lie within the Carrick-on-Shannon development boundary;
- Policy 11.3c - It is the policy of the Council to seek the protection of the external fabric of structures of heritage value in the Architectural Conservation Area;
- Objective 11.4a - It is an objective of the Council to protect and enhance the Architectural Conservation Area as identified on Map No. 5;
- Policy 4.2c - It is the policy of the Council to conserve and enhance the character of the historic town centre, especially Main St., Bridge St. and St. George's Terrace.

5.1.4. The Local Area Plan does not outline car parking standards for an 'education and training facility', but it does outline that two car spaces per classroom would be required in a 'post-primary school', along with one additional space per 20 students.

5.2. National Guidelines

5.2.1. The following National Guidelines are relevant:

- Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The principal grounds of appeal of the appellant, with an address in Naas, County Kildare, can be summarised as follows:

- Use of the premises as an education and training facility is not appropriate;

- Proposals should be examined by a Conservation Architect and a formal opinion obtained;
- Additional traffic would exacerbate traffic congestion in the town;
- Consideration should be given to alternative suitable and vacant office space in the locality.

6.2. Planning Authority's Response

6.2.1. The Planning Authority responded to the grounds of appeal raising the following:

Principle of the Proposed Development

- Proposed use within the town centre and close to a bus stop would be appropriate and complementary to neighbouring town centre uses;

Impact on Protected Structure

- When dealing with protected structures, a degree of flexibility is required to ensure the preservation of the structure for future generations;
- Buildings, such as these, adapt and are used for differing purposes overtime and, in this context, the proposed educational use is acceptable;
- Buildings were not included in the National Inventory of Architectural Heritage (NIAH);
- Considering the fact that all the proposed works would be internal and there has already been extensive internal reconfiguration works within the subject buildings, a detailed Conservation Report assessing the proposed development would not be necessary;
- The Department of Culture, Heritage & the Gaeltacht were consulted in relation to the application and a response was not forthcoming;

Traffic Congestion

- Traffic congestion associated with the town relates to problems along the N4 national road corridor at weekends;
- Parking provision would align with Local Area Plan provisions;
- There are various car parks within the area immediate to the appeal site;

Other Matters

- Rationale for the appeal is questioned.

6.3. Applicant's Response

6.3.1. The Applicant responded to the grounds of appeal raising the following:

- Concerns that the appeal may have been submitted for reasons other than those cited in the grounds of appeal and the Board are requested to dismiss the appeal;
- The applicant operates the Market Yard centre on a voluntary basis and the proposed use would occupy and reinvigorate existing vacant space within an important and historical town centre site;
- Mayo, Sligo and Leitrim ETB located 60m to the west of the appeal site, would extend their services into the Market Yard centre, to be used by students of all ages;
- Extent of works to the protected structure would be minimal;
- Amount of parking required would not be significantly greater than the amount required for the present permitted uses;
- Traffic congestion within the town is not a problem in the vicinity of the appeal site, and peaks during weekends when education uses are normally closed;
- The appeal site is an appropriate location for the proposed use.

Accompanying the response is a copy of a letter that is stated to have been sent by the applicant to the appellant, subsequent to the appellant making a submission to the Planning Authority during the statutory consultation phase. This provides additional detail regarding the applicant, the appeal site history and the project, and also offers to prepare a Conservation report to address concerns raised by the appellant.

6.4. Observations

- None

7.0 Assessment

7.1. Introduction

7.1.1. I note that in the applicant's response to the grounds of appeal, they request that the appeal be dismissed, as in their opinion it is being used to delay the planning process, and as it is vexatious and motivated by reasons other than those set out in the appeal. I have examined the appeal submission and I am of the opinion that the grounds of appeal raise valid planning issues requiring assessment at appeal stage. Therefore, I would not recommend that the Board dismiss the appeal on grounds that it is vexatious and/or motivated by other reasons. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Principle of the Development;
- Impact on Architectural Heritage;
- Traffic Safety.

7.2. Principle of the Development

7.2.1. The grounds of appeal assert that the use of the subject premises as an education and training facility would not be appropriate, and that there are other more suitable spaces within the town to accommodate the proposed facility. In response to this, the Planning Authority consider that the proposed use within the town centre, close to bus services, would be appropriate and complementary to neighbouring town centre uses. The applicant also asserts that the proposed use is appropriate for this location, as it would reinvigorate this historical town centre space and would be in close proximity to the existing Mayo, Sligo and Leitrim ETB facility on St. George's Terrace, who they state would be the future occupants of the subject facility.

7.2.2. The Carrick-on-Shannon Local Area Plan 2010-2019 recognises the importance of Carrick-on-Shannon in serving as a centre for educational services for the surrounding region. The subject town centre site is zoned for 'Mixed-Uses' in the Local Area Plan, with a stated objective (2.3a) to develop 'for commercial, cultural, residential, retail and related uses'. The Plan does not specifically outline whether or

not 'education and training facilities' would be acceptable, or otherwise, in a 'Mixed-Use' zone. However, it does state that proposed land uses not listed will be considered on the merits of the individual planning application, with reference to the most appropriate use of a similar nature and in relation to the general policies and zoning objectives for the area. In this regard, I note that the applicant has outlined that the proposed education and training facility would cater for students of all ages and that 'schools' are 'acceptable in principle' on 'Mixed-Use' zones, subject to compliance with the relevant policies, standards and requirements of the Local Area Plan. Given the stated nature and scale of the facility, I am satisfied that the proposed use would be broadly in compliance with the land-use zoning objectives for the area and, accordingly, would be acceptable in principle.

7.2.3. The area immediately adjacent to the appeal site consists of a mix of commercial, recreational and residential uses. The Plan notes that buildings within the 'Mixed-Use' zone should be capable of adaption to a range of uses and the subject proposals would be facilitated by this objective. Those parts of the buildings subject of the proposed development are currently not occupied, and the proposed development would provide for use of the buildings, thereby creating additional footfall in this part of the town centre and increasing activity accordingly. I also note that the proposed education and training facility use would primarily occupy upper floors areas and would only occupy limited frontage at ground-floor level opening onto the courtyard. Accordingly, the proposed development would support the land-use zoning objectives for the town centre, by adding to the vibrancy and variety of uses in the town centre and by making a positive contribution to the town, occupying vacant commercial space.

7.2.4. In conclusion, I am satisfied that the principle of changing the use of the subject restaurant/retail unit at ground floor and the exhibition space on the upper floors, to an education and training facility is acceptable and would support the objectives of the Local Area Plan.

7.3. Impact on Architectural Heritage

7.3.1. The grounds of appeal assert that the subject proposals should be examined by a Conservation Architect and that a formal opinion should be obtained. In response, the Planning Authority considers that increased flexibility should be applied when

assessing proposals involving reuse of protected structures, and that as significant internal reconfiguration works have previously taken place within the subject buildings and as the proposed works would be carried out internally, a detailed Conservation Report assessing the proposed development would not be necessary.

- 7.3.2. The Market Yard centre is stated by the applicant to date from the 1830s and the original buildings have been refurbished to a high standard, with the integrity and character of the original structures largely remaining intact. The 'Market Yard & Buildings' are listed in the Record of Protected Structures (RPS) contained within the Carrick-on-Shannon Local Area Plan 2010-2019 (RPS Ref. 46) and the appeal site is also located in an Architectural Conservation Area (ACA). The ACA covers the town centre streets of Bridge Street, Main Street and St. George's Terrace. Policies 11.3a, 11.3c and 4.2c and Objective 11.4a of the Local Area Plan are aimed at protecting the historic character of protected structures, the ACA and the historic streetscapes of the town centre. Where a change of use of a protected structure is proposed, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) require an assessment of the effect of the proposals on the special interest of the structure.
- 7.3.3. The proposed development does not involve alterations to the external elevations of the protected structure. Consequently, I am satisfied that there would be no impact on the appearance of the protected structure, the ACA or the historic streetscape. As town centres need to adapt and evolve to address wider socio-economic conditions, the use of historic town centre structures will also evolve and I consider that partial use of the subject buildings as an education and training facility would not be detrimental to the character or special interest of the protected structure. Furthermore, given the limited physical works to the protected structure, I am not convinced that there are exceptional architectural heritage reasons warranting review of the proposals by a Conservation Architect. I note that the Planning Authority attached a condition requiring the proposed works to be supervised by a Conservation Architect and the applicant has not appealed this condition. In such circumstances, I consider that it would be reasonable to attach a similar condition to that proposed by the Planning Authority.
- 7.3.4. In conclusion, the use of part of the protected structure as an education and training facility, involving limited internal works and no alterations to the external structure,

would comply with Policies 11.3a, 11.3c and 4.2c and Objective 11.4a of the Local Area Plan, which are aimed at protecting the historic character and setting of protected structures, the ACA and historic streetscapes. Accordingly, I recommend that permission should not be refused on this basis of the impact of the proposed development on architectural heritage.

7.4. Traffic Safety

- 7.4.1. The grounds of appeal assert that the proposed development would add to traffic congestion in the town. In response to this, the Planning Authority and the applicant assert that traffic congestion problems are not prevalent in the town centre, parking provision would align with the provisions of the Local Area Plan and there are various parking areas within the immediate area that would facilitate the anticipated parking demand.
- 7.4.2. Parking for the Market Yard centre is not available on site. On-street 'disc parking' is available along the streets in the immediate vicinity of the appeal site. There are also numerous car parks within the immediate vicinity of the appeal site, along the quays and to the rear of Main Street and Bridge Street. Taking the nearest comparable use in the Plan standards, a 'function room', and the net exhibition space floor area (approximately 222sq.m), a car parking requirement of over 44 spaces would arise based on a standard of one space per 5sq.m. This excludes the existing retail/restaurant unit. The Local Area Plan does not outline car parking standards for an 'education and training facility', but it does outline that two spaces per classroom and one space per 20 students would be required in a 'post-primary school'. Based on Local Area Plan standards and the proposals for four classrooms with space for 74 students (see Drawing No. 01), a parking equivalent of 12 spaces would arise for the proposed development. The Local Area Plan does not list car parking standards for the existing use as 'exhibition space'. Consequently, the proposed development, would attract a significantly lower quantum of car parking than the existing permitted uses, based on Local Area Plan standards. Congestion within and in the environs of Carrick-on-Shannon is largely confined to traffic passing through the town along the N4 national route, rather than the central road network that directly serves the appeal site.

7.4.3. Given the nature, scale and location of the proposed education and training facility, the capacity of parking within the immediate vicinity of the appeal site and the parking requirement based on Local Area Plan standards, the proposed development would not have a negative impact on the operation and safety of traffic on the local road network and would not lead to traffic congestion. Accordingly, I recommend that permission should not be refused for reasons relating to traffic safety.

8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development, the reuse of existing town centre buildings, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

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

10.0 **Reasons and Considerations**

Having regard to the nature, scale and location of the proposed development, the planning history of the site, the zoning of the site for 'Mixed-Use' in the Carrick-on-Shannon Local Area Plan 2010-2019, which also recognises the importance of Carrick-on-Shannon in serving as a centre for educational services for the surrounding region, and the pattern of development in the area, including surrounding uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character, setting or special interest of the protected structure on site, the Architectural Conservation Area and the neighbouring historic streetscape, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the Carrick-on-Shannon Local Area Plan 2010-2019. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. 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 the commencement of the development. This Plan shall provide details of intended construction practice for the development, including a schedule of work, hours of working, waste disposal and details for accommodating building materials and associated construction vehicles.

Reason: In the interest of public safety and residential amenity.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. A Plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

6. Prior to the operation of the facility, including the canteen, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

Reason: In the interest of public health.

Colm McLoughlin
Planning Inspector

7th February 2018