



An
Bord
Pleanála

Inspector's Report ABP-300215-17

Development	Construction of a three storey infill building to an existing vacant site with ground floor retail unit, first floor office and second floor apartment, with connection to services.
Location	Market Place, Ennis, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/206
Applicant(s)	Jada Projects Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Jada Projects Ltd
Observer(s)	None.
Date of Site Inspection	07 th of February 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site is an infill site located in the centre of Ennis Town Centre, Co Clare. The site is 0.012 hectares in size and sits between a terrace of two storey commercial units and a three storey commercial building. The site fronts onto Market Place, a busy commercial centre and large road with on street parking and two storey streetscape on the opposite side. The side and rear elevations of commercial properties back onto the site. The site is located within Ennis Town Architectural Conservation Area (ACA).

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Construction of a three storey infill site (203m²) with ground floor retail, first floor office and second floor apartments.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 8 no conditions of which the following are of note:

C 2- The proposed development shall be amended as follows:

- a) The entire second floor (apartment) including the mansard roof shall be omitted from the development,
- b) An "A" pitched roof (40-45 degrees), with a gable width not exceeding 6m, shall be provided on the eastern elevation onto Market Place,
- c) The "A" pitched roof shall be covered in blue/ black textured slate,
- d) A flat roof shall be provided on the remaining section of the roof to the rear, the overall height which shall not exceed 7m,
- e) The depth of the fascia board over the shop front shall not exceed the height of the fascia board over the existing building south of the subject site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity it is considered appropriate to omit the second floor level and associated mansard roof having regard to the location of the site within an Architectural Conservation Area to protect the amenities of the adjoining properties.

C3- Archaeological Monitoring

C 5- Details of future occupiers of the shop unit and nature of retail.

C 7- Submission of external materials, signage details and lighting.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Amendments to the overall scale and design of the proposal and/or the removal of the second floor to respect the location within an ACA.
- Removal of potential impact for overbearing on the properties to the north and west.
- Proposal for access to the roof garden and location of appropriate storage for the residential unit.
- Details of the nature of the proposed ground floor unit.

The report of the area planner refers to the Conservation Officers request to reduce the height of the fascia board and submission of final details to comply with same.

The planner also considered the impact of the amended design on the adjoining property and considered it remained incongruous which could be amended through the inclusion of Condition No 2.

3.2.2. Other Technical Reports

Conservation Officer- No objection subject to conditions.

3.3. **Prescribed Bodies**

An Taisce- The development should be in keeping with the original design in Market Square, the shop front should be in line with the streetscape and lead pipes should be removed.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs- No objection subject to condition for archaeological monitoring.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

Reg Ref 99/118

Permission granted for the construction of a three storey infill development with retail on the ground floor, office on the first floor and an apartment in the second floor.

5.0 **Policy Context**

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

5.2. **‘Urban Design Manual – a best practice guide’** (DoEHLG, 2009).

5.3. **Clare County Council 2017-2023: Ennis Settlement Plan**

The site is zoned as **mixed use**, where it is an objective to include a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/ retail development as the primary use with residential development as a secondary use.

Section 1.8.1 Strategic Aims for Public Realm and Built Environment

- To pursue all avenues of funding, and work with all relevant stakeholders, to implement proposals for the management, enhancement, renewal and

regeneration of the public realm in association with an improvement in pedestrian and cycling accessibility;

- To apply the principles of Universal Design to create spaces that are safe, easy to navigate and which easily facilitate daily life and business;
- To ensure that new developments positively contribute to the public realm and complement the built heritage of the town.

5.3.1. The site is located within the **Ennis Town Centre ACA**, therefore the following policy applies:

CDP15.5: Architectural Conservation Areas (ACAs)

To ensure that new developments (signage/ lighting/ advertising etc.) within or adjacent to an ACA respect the context of the area and contribute positively to and compliments the ACA in terms of design, scale, setting and material finishes. External colour schemes shall reflect the traditional colour scheme.

5.3.2. The site is located within a zone of archaeological potential established around the historic town of Ennis (Recorded Monument CL033-082)

5.4. **Natural Heritage Designations**

The site is located c 200m south of the Lower River Shannon Special Area of Conservation, which runs through Ennis Town.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by an agent on behalf of the applicant and the issues raised are summarised below:

- The appeal is against Condition No 2 and it is requested the Board deal with it under S 139 of the Act.
- The requirement to omit the second storey is unreasonable and against the commercial viability of the project.

- The planning authority concerns with the mansard roof are noted and it is proposed to revert to the original design which includes a flat roof, layered effect to create a step- down detail between the different heights of the two adjacent buildings.
- There was planning permission for a similar development granted under 99/118 on the site.
- The three storey building is commensurate with the height of the adjoining building.
- The proposed use contributes to the vitality and vibrancy of the town and supports the policies and objectives of the development plan.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

The response from the planning authority considers the modest height and scale of the buildings to the north of the site and the extent of the blank gable, which would be visible from the north, would represent an incongruous element in the streetscape.

6.4. Observations

None received.

7.0 Assessment

- 7.1. The first party has appealed Condition No 2 only. Having regard to the facts that the site is located within Ennis town centre on lands zoned for mixed use in the development plan and generally in line with the requirements of the Development Plan, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and

Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition No 2.

Impact on the Visual Amenity and Built Heritage

7.2. The proposed development is an infill site, located in the centre of Ennis Town centre within an Architectural Conservation Area. The design of the building was amended from a three storey contemporary flat roof to a two and half storey with mansard roof following a request for further information regarding concern over the following:

- The visual impact of the large expanse of northern gable,
- The proposed flat roof,
- The inclusion of a balcony on the 2nd floor of the building,
- The height and scale of the structure and its proximity to the boundaries of adjoining and potential overbearing impacts,
- The design and signage detail of the proposed shop front.

7.3. The report from the Conservation officer indicates that the amended design is satisfactory as the proportions of fenestration at first and second floor appear traditional and the revised proposals to remove the front balcony reduce the visual impact on the adjacent structures. In addition, the Conservation Officer requested that the height of the fascia board over the shop should be reduced. I note the planner referred to the Conservation officers report and also raised concern with the blank gable which would be fully visible from the north and would represent an incongruous element in the streetscape. Therefore it was considered that the second floor should be omitted and the roof design redesigned and accordingly Condition No 2 was included as summarised below:

- The entire second floor (apartment) shall be omitted from the development and the pitch of the roof amended with an “A” pitch and covered in blue/ black slate
- Flat roof provided on the remaining section of the roof to the rear
- The depth of the fascia board over the shop front shall not exceed the height of the fascia of the existing building south of the subject site.

- 7.4. The grounds of appeal argue Condition No 2 is unreasonable and have submitted a new design with the appeal which reverts back, more akin to the initial design submitted with the application, and includes a three storey infill building with a flat roof with the roof pitch 0.5m higher than the adjoining dwelling to the north and the third floor recessed back from the front building line by 1m. The response from the planning authority does not specifically comment on the new design submitted with the appeal statement and refers to the rationale for including Condition No 2 as the overall height, extent of site coverage and the extent of the blank gable which will be fully visible from the north and have a negative impact on the surrounding area.
- 7.5. Policy CDP 15.5 of the development plan includes guidance for new developments located within the Architectural Conservation Areas (ACA) where they should *“respect the context of the area and contribute positively to and compliment the ACA in terms of design, scale, setting and material finishes.”* I note the characteristics of the surrounding ACA, in particular the design and materials of the row of traditional two storey units along the south of the site. The national guidance “Architectural Heritage Guidelines for Planning Authorities, 2004” also provides detailed guidance on the appropriateness of new developments within the ACA and states that they should not have an adverse effect on the special interest or the character of an ACA.
- 7.6. The amended design, submitted with the appeal, does not address any of the concerns raised by the planning authority in the further information request. The overall design of the proposal appears to mirror the adjoining building to the north and the height is higher by 0.5m and whilst the submission from the applicant refers to a flat roof, I consider it is similar to the mansard roof which is not a characteristic of the ACA, therefore I do not consider it an appropriate design. In addition, I note the proportions of the fenestration are not in keeping with the adjoining building, nor is the fascia in keeping with the adjoining shop fronts to the south, which are also a characteristic of the ACA. The reasoning for the inclusion of Condition No 2 was to remove an excessive blank elevation which would be highly visible from the south of the site, adjacent to a terrace of two storey commercial properties, which I consider reasonable and I consider the amended design will further exacerbate this issue causing a greater negative visual impact.
- 7.7. Therefore, having regard to the limited size of the site and the row of two storey commercial units, which form part of the special interest of the ACA, I do not

consider the design of the building submitted is in keeping with the characteristics of the surrounding area and I consider the proposed development would have a negative impact on the visual amenities of Ennis Town.

Appropriate Assessment

- 7.8. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, 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 a European site.

8.0 Recommendation

- 8.1. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to RETAIN Condition No 2 as follows:

The proposed development shall be amended as follows:

- a) The entire second floor (apartment) including the mansard roof shall be omitted from the development
- b) An "A" pitched roof (0-45 degrees), with a gable width not exceeding 6m, shall be provided on the eastern elevation onto Market Place,
- c) The "A" pitched roof shall be covered in blue/ black textured slate,
- d) A flat roof shall be provided on the remaining section of the roof to the rear, the overall height which shall not exceed 7m,
- e) The depth of the fascia board over the shop front shall not exceed the height of the fascia board over the existing building south of the subject site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual am Architectural Conservation Area to protect the visual amenities of the adjoining properties.

9.0 Reasons and Considerations

Having regard to:

- (a) the provisions of the Clare County Council 2017-2023 and the Ennis Settlement Plan,
- (b) the modest size of the site and location adjacent to a row of two storey commercial buildings which form a large portion of the streetscape,
- (c) the nature, scale and orientation of the development proposed, and
- (d) the pattern of development in the area,

The Board considered that the inclusion of those amendments required in Condition No 2 necessary for the protection of the visual amenities of Ennis Architectural Conservation Area and the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

19th of February 2018