



An
Bord
Pleanála

Inspector's Report ABP-301067-18

Development

Renovation of existing building that is a protected structure RPS ref no. 3490 with construction of extension to rear of existing protected structure with change of use from commercial store/retail at rear of ground floor unit. With existing dwellinghouse on first and second floor to be renovated into 6 no. apartments over the 3 floors, external fire escape stairs with car parking entrance from existing Castle Street entrance and all associated site development works. Gross floor area proposed 446m²

Location

Main Street, Loughrea County Galway

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

17/796

Applicant(s)

Johnmarsha Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeal	Third Party
Appellant(s)	Anthony McGhee.
Observer(s)	None.
Date of Site Inspection	7 th July 2018.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.086 hectares and comprises an established building fronting onto the southern side of Main Street Loughrea, County Galway. The site extends to the rear with a long narrow yard and vehicular access from Castle Street which runs perpendicularly and one way off Main Street. The site is occupied on Main Street by a two and half storey property providing commercial use at ground floor level with residential overhead. To the rear are a number of single storey flat roofed extensions which were previously also in commercial use.
- 1.2. The property, protected structure RPS3490, is recorded as follows within the record of protected structures. "Smith and O Mahony Opticians – Terraced two-bay, two-storey house with dormer attic, built circa 1880, having gabled half dormer windows, and integral carriage opening." Appraised as follows: "The former house and pub creates a strong impression on the streetscape with its ornate render detailing drawing the eye and adding visual interest to first and second floor level that is otherwise absent in this part of the street. The dormer window and double window all retain timber sash windows which enhances its appearance."
- 1.3. The building has a pitched tiled roof with rendered chimneystack, cast iron rainwater goods and moulded render eaves course with dentillated pediments to dormer. The shop front has channelled render piers, moulded entablature with decorative cast iron crestings over cornice. The site slopes gently from north to south and is contained to the rear boundary stone rubble walls to the east and south. Residential properties adjoin to the west and Barrack Street car park adjoins to the south east.

2.0 Proposed Development

- 2.1. The application seeks permission for the renovation of the existing building (Protected structure RPS ref no 3490) with construction of extension to rear of existing protected structure with change of use from commercial store / retail at rear of ground floor unit. Existing dwellinghouse on first and second floor is to be renovated into 6 no apartments over 3 floors, external fire escape stairs with car

parking entrance from existing Castle Street entrance, and all associated site development works.

- 2.2. In response to the request for additional information from the Council, some modifications to the proposal were made including reduction in scale and number of proposed apartments from 6 to 5 and relocation and rearrangement of private amenity space.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1 By order dated 6th February 2017, Galway County Council decided to grant permission for the development and 9 conditions were attached which included the following of particular note:

- Condition 2. Applicant to implement the recommendations of the Conservation Architect as outlined in report including retention and renovation of open well staircase, timber sash windows to the façade and decorative plasterwork of the façade to be retained and renovated. Appropriate materials such as lime based mortars to be used with masonry. Specifications to be agreed.
- Condition 3. Site supervision and project management by suitably qualified persons with conservation expertise. Monitoring recording and photographic record.
- Condition 4. Details of commercial signage to be agreed.
- Condition 5. Site development works between the hours of 08:00 and 19:00 Monday to Friday and 09:00 and 17:00 on Saturday.
- Condition 6. Bin storage areas to be agreed.
- Condition 7. Surface water disposal within the site.
- Condition 8. Vehicles contained within the site.
- Condition 9. Private open space details to be submitted for written agreement.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.1.1 Initial planner's report expressed concern regarding private amenity space provision, overbearing impact, overshadowing and overlooking. Floor areas not in accordance with Sustainable Urban Housing Design Standards for New Apartments Guidelines. A Request for additional information issued seeking details in respect of a number of items including:

- Removal of second floor.
- Shadow cast survey.
- Compliance with Sustainable 'Urban Housing: Design Standards for New Apartments Guidelines.
- Open space amenity provision. Bin storage.
- Water Connection and surface water details.
- Architectural survey and assessment & Structural Report.
- Construction management plan

3.2.1.2 Final planner's report reflects the decision and indicates satisfaction with revised proposal and recommends permission subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Architectural Conservation Officer's report indicates no objection in principle however a detailed architectural survey and impact assessment by a suitably qualified person with conservation expertise to be provided. Repair and maintenance to the existing sash windows and other elements of the façade to be carried out. A condition survey of the existing open stairs and original fabric retained where possible. Greater clarity required regarding carriage arch in the façade and intended interface with the public realm. Notes any alterations proposed to meet the requirement of the fire officer is not considered exempt if it affects the character of the structure.

3.2.2.2 Roads unit indicates no objection.

3.3. Third Party Observations

3.3.1 A number of third party submissions to the local authority from neighbouring residents and businesses object to the development on a number of grounds including:

- Potential traffic congestion and hazard. Castle Street entrance inadequate for traffic arising.
- Impact on established apartments - Danesfort Court.
- Ownership of area outlined in blue is disputed.
- Bin store. Impact on residential amenity.
- Overbearing impact, overlooking and impact on light to neighbouring garden.
- Drawings do not accurately depict neighbouring dwellings.
- Structural impact -shallow foundations and services.
- Noise and disturbance.

4.0 Planning History

- **17/44** Invalid.
- **16/1752** Withdrawn.
- **PL07.231163 (08/1713)** Permission granted on appeal for demolition of single and two storey rear extension and construction of two storey rear extension to include 3 no retail units, 2 no office units and 1 no apartment and demolition of rubble stone east boundary wall creating new access to carpark.
- **07/5130** Withdrawn.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Galway County Development Plan 2015-2021 and Loughrea Local Area Plan 2012-2018 refer.

- The building is protected structure ROS 3490 and is within the designated Architectural Conservation Area (ACA).
- BH10 – Zone of Archaeological Potential “To ensure that all planning applications for new developments and all proposed infrastructure projects / schemes in close proximity (30m) to Recorded Monuments and Places (RMPs) and within Zones of Archaeological Potential (SAPs) are referred to the Department of Arts, Heritage and the Gaeltacht (DAHG) and take account of the archaeological heritage of the area, any advice received from the DAHG and the need for archaeological assessments and, where appropriate mitigation measures.”
- The site is zoned Town centre / Commercial C1. The objective is to “promote the development of the Town Centre as an intensive, high quality, well-landscaped, human-scaled and accessible environment with an appropriate mix of uses, including residential, commercial, service, tourism, enterprise, public and community uses as appropriate, that provide a range of retail services, facilities and amenities to the local community and visitors to the town. The town centre and associated main street will remain the primary focus for retail and service activity in Loughrea.”

5.2. Natural Heritage Designations

Lough Rea which is designated Lough Rea SPA (Site Code 004134) & Lough Rea SAC (Site Code 00304) is located 85m to the south of the site

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The third-party appeal is submitted by Anthony McGhee, Castle Street. Grounds of appeal are summarised as follows:

- Health and safety concerns arise in respect of entrance as manoeuvres for access and egress are particularly difficult giving rise to pedestrian vehicular conflict.
- Width of entrance reduced to 8ft 6” by “Spud stones” at base.
- Gravelled access is unsuitable for heavy machinery. Potential impact on manholes and sewage pipe system.
- Structural impacts on buildings having regard to soft shallow foundations.
- Castle Street is unsuitable to facilitate multiple bins from the apartments.
- Noise pollution from apartments and commercial units.

6.2. Applicant Response

6.2.1 The response by James O Donnell, Planning Consultant on behalf of the First Party, Johnmarsha Ltd. and is summarised as follows:

- Location of the site represents an opportunity to enhance and rejuvenate this part of the town centre. Site has been derelict for a number of years and is subject to decay. Proposal provides protection and sympathetic enhancement of the protected structure. Provision of a viable use will protect the built heritage of the area.
- Proposal will contribute towards the vibrancy and vitality of this town centre property.
- Proposal is consistent with the principles of consolidated and sustainable urban development.
- Principle of mixed use is established on the site. The premises was formerly a pub and house and later functioned as two retail units with two residential units overhead.
- Proposal is consistent with national, regional and local policy.
- Density is appropriate on town centre site.

- Entrance to car park from Castle Street is long established. One-way system applies and traffic speeds are extremely low.
- Proposal does not result in a significant intensification of use nor increase in trip generation.
- Capacity of the rear car park can be reduced from 7 to 5 spaces to respond to the concerns of the appellant regarding impact on amenity.
- No adverse impacts are anticipated arising from construction phase.
- Bin store proposed to south east corner of the site.
- Proposal will result in lesser impact on the appellant's property compared to permitted scheme ABP 231163 which permitted a 2 storey commercial block to the rear of the appellant's property.

6.3. Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1. As outlined the detail of the proposed development was amended during the course of the application to the local authority and the assessment is confined to consideration of the proposed development as outlined in the revised plans submitted to the planning authority on 10th January 2018. I propose to consider the appeal under the following broad headings.

- Principle of development
- Architectural Heritage Impact, Urban Design and Impact on the character of the area
- Quality of design and layout, residential amenity impact
- Other Matters

7.2. Principle of Development

7.2.1 The proposal provides for the renovation, extension and upgrade of an established premises within the heart of the town of Loughrea and on this basis the principle of development is acceptable and in line with local and national policy to promote town centre vitality and viability. Having regard to the central location and status of the site as a vacant town centre property with under-utilised backlands, the provision of mixed use incorporating commercial and residential use is clearly in accordance with town centre objectives aimed at ensuring a vibrant town centre. The provision of a viable mixed-use development will in principle ensure the retention of the built fabric and thereby aid the protection and conservation of the elements of architectural fabric of the protected structure of significant interest. The redevelopment and densification of the site is fully supported by national and local planning guidelines policies and objectives pertaining to sustainable residential development in urban areas.

7.3 Architectural Heritage Impact, Urban Design and Impact on the character of the area

7.3.1 In relation to the architectural heritage significance of the existing structure, I note the assessment by John Whyte Architects submitted in response to the request for additional information. It notes that the former house and pub creates a strong impression on the streetscape with its ornate render detailing and adds visual interest for first and second floor level. It concludes that later extensions and additions of mass concrete walls and bitumen finished flat roofs to the rear of the building are not of any great architectural significance. It notes significant modifications to the interior spaces over time. In terms of the impact of the proposed development, it is asserted that the amalgamation of the individual rear extensions will result in development which is clearly legible from the existing historic fabric. Mitigation measures include the repair of rubble stone walls using appropriate material including lime mortar. I consider that the provision for the renovation of the existing features of interest in accordance with best conservation practice is appropriate.

7.4 Quality of Design and Layout- Residential Amenity.

7.4.1 As regards the residential amenity of the proposed dwelling units, I note that the revised layout meets and generally exceeds the minimum standards set out in the Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities, Department of the Environment Community and Local Government, March 2018. As regards public and private open space, the layout provides private balcony / terraced space and a communal amenity space area. Regard should also be had to the benefits of proximity to high quality public open space and amenities including Lough Rea. On balance, I consider that having regard to the nature of the application the proposal provides for an adequate level of accommodation and amenity for the future occupants.

7.4.1 As regards the potential for impact on established residential amenity, I consider that the potential impact on adjacent properties is appropriately mitigated. I note proposal set out within the response to the appeal to reduce the number of car parking spaces from 7 to 5 further increasing communal open space area and I consider that this is appropriate in the interest of residential amenity of the appellant's dwelling. I note that as set out within the shadow impact study the proposal does not give rise to any significant overshadowing.

7.4.2 On the issue of impact on established residential amenity, in terms of noise traffic and disturbance, I consider that the redevelopment of the site and provision of viable and sustainable uses within the existing structures will protect the physical fabric and vitality of the area and I find no basis for arguments of negative impact on established residential amenity.

7.5 Other Matters

7.5.1 The issue of traffic safety is raised as a significant concern within the grounds of appeal. The third-party appellant notes the difficulties of access to and egress from the site onto Castle Street, having regard to the narrow nature of the entrance, frequent car parking adjacent and established residential access and pedestrian

movement in the vicinity. I note however that this entrance is well established and I observed that in relation to traffic on Castle Street, operational speed levels are low. In my view the level of additional traffic arising from the proposed development can be accommodated within the existing network and the proposed access and servicing can be addressed within the current regime. I consider that the proposed development will not result in traffic congestion, traffic hazard or obstruction of other road users. A condition requirement agreement in respect of the detailing of road works is appropriate.

7.5.2 As regards concerns raised with regard to foundations of existing historic properties surrounding the site, I note that subject to standard good construction practice any impacts arising can be appropriately mitigated.

7.5.3 As regards the issues of Appropriate Assessment, having regard to the nature of the development and the site and lack of connectivity with a Natura 2000 site it is considered that appropriate assessment under the Habitats Directive (92\52\EEC) is not relevant in this case.

7.5.4 Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the objectives of the Development Plan which seeks to promote the vitality and viability of the town centre will improve the public realms. I consider that there will be no undue impact on the amenities of the locality and the proposed development is acceptable from a traffic safety perspective.

8 Recommendation

Having read the submissions on file, visited the site and paid due regard to the provisions of the Loughrea Local Area Plan 2012, I recommend that planning permission be granted for the development based on reasons and considerations hereunder and subject to the conditions set out below.

Reasons and Considerations

Having regard to the pattern of development in the area, it is considered that subject to compliance with the conditions below the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and submitted on the 10th day of January 2018 and by further plans and particulars received by An Bord Pleanála on the 23rd day of April 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The following items shall be retained and restored as part of the proposed development.
 - (i) The open well staircase.
 - (ii) Timber sash windows and the decorative plasterwork to the façade.

Details of the procedures to be followed in order to comply with these requirements shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to protect the character of the protected structure.

3. All proposed 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.

4. A schedule of all materials to be used in the external treatment of the development to include shopfront materials, roofing materials, windows, doors shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure an appropriate standard of development / conservation.

5. Prior to commencement of the development, the developer shall submit to and agree in writing with the planning authority a method statement for the proposed demolition works on site certified by a Chartered Structural Engineer with Professional Indemnity Insurance. Such demolition works shall be carried out so as not to cause damage to, interfere with or infringe upon adjoining properties, or cause damage to the public road or underground services.

Reason: In the interest of orderly development and amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) Provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological materials which the authority considers appropriate to remove.

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

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

8. Water supply and drainage arrangements (including surface water disposal) shall accord with the requirements of the planning authority for such services and works.

Reason: To ensure the proper drainage of the proposed development.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction demolition waste.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by

the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

11. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

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

12. Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Friday's inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

Bríd Maxwell
Planning Inspector

20th August 2018