



An
Bord
Pleanála

Inspector's Report ABP-301349-18

Development

DEMOLITION OF 2 NO. EXISTING
RETAIL UNITS AND THE
CONSTRUCTION OF A NEW THREE
STOREY MIXED USE
DEVELOPMENT, COMPRISING OF
GROUND FLOOR RETAIL UNIT,
FIRST FLOOR CAFE AND SECOND
FLOOR OFFICE ACCOMMODATION,
INCLUDING ALL ANCILLARY
ACCOMMODATION, PROPOSED
NEW SHOPFRONT, NEW SIGNAGE,
LANDSCAPING, DRAINAGE,
LIGHTING AND ALL ASSOCIATED
SITE WORKS

Location

MARKET STREET
CASTLEBAR
CO. MAYO

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

17514

Applicant(s)

Pat Staunton

Type of Application

Permission

Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Pat Staunton
Date of Site Inspection	20 th July 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on Market Street in the town centre of Castlebar, Co. Mayo. Market Street, along with Bridge Street to the north-east and Ellison Street to the south-west are known locally as Main Street and comprise the traditional retail spine of the town centre. The street is made up of 2 and 3-storey buildings with retail/ commercial uses at ground level and in many cases vacant/ underused upper floors. There is a consistent building line on both sides and facades have a vertical rhythm. Public car parks are located to the rear of both sides of Main Street. The car park on the north-western side is accessed by a number of street archways.
- 1.2. The site is centrally located on Main Street on its north-western side. There are two street-fronting ground floor businesses on site consisting of a café in the smaller 2-storey building and footcare specialists occupying the larger 3-storey premises. The upper floors of this building are currently vacant. To the rear of the larger premises is a recently opened doctor's surgery. Access to the rear is via an archway containing a number of small businesses.
- 1.3. The site has a street frontage of approximately 13m and area of 0.038 hectare. The applicant's landholding includes the adjoining 'Costcutter' shop and pharmacy and a car parking area to the rear, as well as a vacant business directly opposite on Main Street.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
- Demolition of 2 no. existing retail units (512 sq.m.);
 - Construction of a new 3-storey mixed use development (875 sq.m.) comprising:
 - Ground floor retail unit,
 - First floor café,
 - Second floor office accommodation,

- All ancillary accommodation;
- New shopfront and signage;
- Landscaping, drainage, lighting and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Mayo County Council issued notification of decision to refuse permission for the following reason:

“Having regard to the design, scale and proportions of the existing building, it is considered that the proposed development would be completely out of character with the surrounding streetscape. In particular, the proposed height, bulk and fenestration would have an overbearing impact on the existing streetscape. Furthermore, the proposed development does not acknowledge the relative consistency of the townscape at this location, in terms of design, as well as closing down desirable pedestrian permeability on one of the primary streets in Castlebar.

It is therefore considered that the proposed development would have a significant negative impact on the streetscape in the centre of Castlebar town and would depreciate the value of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. Further information was sought from the applicant requesting the submission of an archaeological assessment, a conservation structural engineer’s report and an architectural impact assessment, proposals showing compliance with car parking standards, and a revised site layout showing a service yard. A note attached to the further information request stated that the Council had no issue with the mixed use nature of the development; however, the loss of the historic fabric and front façade is of concern. It was therefore recommended that the existing façade be retained/ partially retained and incorporated into the new design.

- 3.2.2. The submitted archaeological assessment recommended archaeological monitoring during development works and the structural engineer's report considered that it was not possible to repair or retain the front wall of the structure due to extensive movement and structural cracking. The architectural impact statement concluded that the building is unsafe and in poor condition and that the proposed development is sensitive in design and will not detract from the character of the area.
- 3.2.3. The Planning Authority sought clarification of further information to confirm that the conservation structural engineer's report was carried out by an accredited conservation engineer.
- 3.2.4. A second structural engineer's report was submitted and the applicant made slight changes to the design, most notably the fenestration on the front façade. Further clarification was sought inviting the applicant to submit revised plans and elevations detailing a rebuild which replaces like with like, as the proposal fails to reflect the character of the existing façade. However, the applicant responded by stating that they cannot propose a like for like rebuild as advised.
- 3.2.5. The Council had regard to the fact that the buildings are not a protected structures and are not located within an Architectural Conservation Area. The findings of the second structural engineer's report were accepted and the applicant was strongly advised to submit revised plans that reflect the character of the existing façade.
- 3.2.6. The Executive Architect submitted in response to the Case Planner that the properties in question are characterised in the 2000 Dúchas Heritage Study as being of local importance and making a significant contribution to the architectural heritage of their locality. Value Codes ascribed to the building denoted (A) *“architectural, any structure which has the aspiration of aesthetic appeal including three-dimensional volumetric design”*, and (G) *“group, structures or buildings which were designed and constructed to have an overall homogeneity.”* It is stated that for reasons whereby the structure cannot be restored and/ or retained due to its structural stability, any such application shall be accompanied by a report prepared by a conservation engineer and the structure should be replaced like for like.
- 3.2.7. The Executive Architect considered that the proposal is not aligned with the above, and presents a façade that sees the loss of the arch and greatly exceeds the extant ridge and eaves height, thus negating the character and form of the street setting.

- 3.2.8. Reports on the application were received from the Mayo National Roads Design Office, the county council Senior Archaeologist, Executive Architect and Executive Engineer

4.0 Planning History

Mayo County Council Reg. Ref: P16/589 (PL16.248176)

- 4.1. Jackita Ltd. was granted permission on a site directly opposite the appeal site for demolition of a 2-storey building and construction of retail premises, adaption of boundary wall, construction of wall, shopfront, signage, drainage, lighting and associated works.
- 4.2. The Board amended the development contribution condition attached to this decision.

Mayo County Council Reg. Ref: P17/151 (PL16.248787)

- 4.3. The Board upheld the Council's decision to grant permission for the demolition of an existing two-storey building containing shop unit on Linenhall Street and its replacement with a new two-storey shop unit on a smaller footprint, together with new pedestrian lane and footbridge over the River Castlebar.

Mayo County Council Reg. Ref: P16/133

- 4.4. Permission granted at Bridge Street for demolition of 2 no. retail units and the construction of a new 3-storey 801 sq.m. mixed use development, comprising of ground floor retail unit, first floor office accommodation and second floor apartment, including all ancillary accommodation, proposed new river edge treatment, new pedestrian link to bridge street, footpath and boundary treatments, landscaping and all associated site works, proposed new signage, drainage, lighting and service connections.

5.0 Policy Context

5.1. Castlebar & Environs Development Plan 2008-2014 (incorporating Variations 1-5, 2011-2017)

- 5.1.1. The site is zoned “Town Centre” where the objective is “to enhance the special physical and social character of the existing town centre and to provide for new and improved ancillary services.” Retail, restaurant and office uses are normally permitted in this zone.
- 5.1.2. Policies and objectives for the town centre are set out in Chapter 12. Section 12.7 relates to urban form and the principles of good development within the town centre are covered in Section 12.8. The following policies/ objectives are of relevance:
- **TCP 1** It is a policy of the Council to facilitate the provision of office space particularly in the upper floors of buildings in the town centre.
 - **TCO 2** It is the objective of the Council to protect the existing streetscape and enhance poorly defined edges on approach roads. New or redeveloped buildings shall respect the height of the existing streetscape, except in instances where the Council consider there are valid urban design reasons for increased height, for example, where a building would add definition to an urban space or key junction/corner site.
 - **TCP 3** It is the policy of the Council to encourage the retention of traditional shop fronts of high quality. The replacement or repair of shop fronts will be completed with standards set out in Chapter 14
- 5.1.3. Section 14.11.9 includes considerations for existing and new shopfronts.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted by the applicant’s architect. The grounds of appeal and main points raised in this submission are summarised as follows:

- Detailed appraisal of 2 no. existing retail unit suggests that they are of little architectural significance, internally and externally. What merit lies in their social heritage.
- Front wall of building is unstable and a health and safety hazard to building users and the public.
- Extensive analysis of the streetscape and the architectural impact of the proposed development have been considered in arriving at the design solution in terms of proportionality, scale and fenestration.
- In the event that the property is left unused, this could lead to deterioration and consequent negative impact on neighbouring properties.
- Fenestration on street façade is in keeping with the existing streetscape and materiality.
- Design of façade has been revised to take further reference from the existing building within the restrictions of a modern day structure, regulations and required floor to ceiling heights.
- Solution creates a building that retains the characteristics of the existing building and contributes to the urban landscape, whilst presenting a new vibrant and contemporary design solution which retains its sense of place.
- 3-storey scale is in keeping with the undulating streetscape and stepped building language of Market Street.
- Design analysis has been disregarded in favour of retention of a structurally unstable building or a pastiche replacement.
- If façade was structurally sound, it would not be suitable for retention given the current floor to ceiling heights – height would also limit the flexibility of the space in terms of air con units, etc.
- Adjoining property was demolished and reconstructed some years ago and does not form part of the original streetscape, whilst retaining elements of proportionality that is consistent with the original street – proposed building not part of an important context.

- Existing archway creates a wind tunnel effect and people tend to take the covered alternative through applicant's adjoining shops.
- Proposal designates an entire urban plot width to a pedestrian link within a protected atrium in the design.
- Backlands of these properties have no significant character – development has been piecemeal and haphazard – proposal will rejuvenate the backlands while providing a modern intervention in the streetscape.
- Proposal is consistent with other schemes granted under Reg. Refs: 16/133 & 16/589.

7.0 **Assessment**

7.1. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Architectural heritage value;
- Impact on the streetscape;
- Pedestrian permeability;
- Appropriate Assessment

7.2. **Development Principle**

7.2.1. The appeal site is zoned “town centre” where the objective is *“to enhance the special physical and social character of the existing town centre and to provide for new and improved ancillary services.”* Retail, office and restaurant uses are normally permitted in this zone. The proposal to redevelop a town centre premises for such uses would therefore be acceptable in principle.

7.3. **Architectural heritage value**

7.3.1. From the outset, it should be noted that the buildings on the appeal site are not protected structures and the site is not within a conservation area. However, it is stated in the Development Plan that *“the Council will seek to preserve and enhance*

Castlebar's heritage by protecting historic buildings, groups of buildings, the existing street pattern, plot sizes and scales, while encouraging mixed use development where appropriate to the historic context."

- 7.3.2. The Council had expressed concern to the applicant that the proposal would result in the loss of historic fabric, including the demolition of the front façade of the main building. It was therefore recommended at further information stage that the existing façade should be retained/ partially retained and incorporated into the new design.
- 7.3.3. In response, the applicant submitted a structural engineer's report with the opinion that it is not possible to repair or retain the front wall of the main building due to extensive movement and structural cracking. An architectural impact statement and a subsequent structural engineer's report both recommended that the existing main building be demolished due to its unsafe and poor condition and major risk to health and safety. Another reason for the demolition of the existing buildings are the existing floor to ceiling heights which, according to the applicant, do not meet current regulatory requirements.
- 7.3.4. The applicant was then invited by Council to submit revised plans and elevations detailing a rebuild which replaces like with like. The applicant failed to make any further amendments other than a proposal to use more traditional style fenestration above ground level on the main building. The Council considered that the proposed building would be out of character with the existing streetscape and should therefore be refused.
- 7.3.5. After inspecting the site, I accept that it may not be possible to retain the façade of the existing main building in its current condition. However, I would be in agreement with the Planning Authority that the proposal will result in the loss of part of the historic fabric of the street and that any replacement should replicate the distinctive features and proportions of the existing buildings. Main Street displays a character and variety along an established curved building line, with buildings displaying high individual qualities and a relationship to one another. There is a vertical rhythm of façades and a finely detailed pattern of fenestration continuing along the street. Buildings vary in height and this makes for an interesting roofscape; however, no single building stands out to an obtrusive extent.

- 7.3.6. In my opinion, the applicant has not fully considered the context of the site within a historic streetscape when designing the scheme. I would have no objection to an increase in building height to improve floor to ceiling heights. An increase in height and the proposed chimney will also help to conceal the adjoining gable of the building to the north-east that did not include a chimney when it was redeveloped. However, I would be of the view that the archway and ground floor shopfront design, together with above ground window pattern are features that should be brought into any new development.
- 7.3.7. There is a recognition in the Development Plan that traditional shopfronts are important to the architectural heritage of the town. In this regard it is advised that *“new shop front designs must respect the scale and proportion of the streetscape by maintaining the existing grain of development along the street and respecting the appropriate plot width. Large expanses of undivided glass will generally not be permitted.”* It is also stated that the Council will encourage the retention of shop fronts and new shop fronts will be expected to respect the traditional character of the town. Moreover, Development Plan Policy RP1 seeks to *“...resist the conversion of the ground floor of premises on the principal shopping streets to non-retail uses.”* Whilst the proposal will see an overall increase in floor area and utilisation of upper floors, the proposed new access arrangements will replace an existing street-fronting business.

7.4. **Impact on streetscape**

- 7.4.1. The Council's reason for refusal refers to the design, scale and proportions of the existing building and the relative consistency, in terms of design, of the townscape and this location. The proposed development, by reason of its height, bulk and fenestration, is considered to have an overbearing impact that would be out of character with the streetscape.
- 7.4.2. The most prominent element of the proposed development when viewed from the street will be the new entrance in place of the existing café premises. A cantilevered glazed box structure will overhang recessed glazed doors leading to a new circulation zone to the new building and rear car parking, replacing the existing archway. This structure will rise to a height of 10m above ground level and c. 3.5m above the eaves of the adjoining property to the south-west. The structure will also

rise c. 1.2m above the eaves of the proposed building to the north-east, and the overhanging element will breach the front building line and site boundary by approximately 0.5m. The glazed façade of the structure will have a surface area of approximately 15 sq.m. and the access door and side panels will also be fully glazed.

- 7.4.3. The ridge height of the new main dwelling will be approximately 2.65m above the existing ridge level. The proposed roof will have a pitch of approximately 45 degrees, which is in excess of the existing building, shown on drawings with a 38-degree pitch. At ground level, the proposed shopfront also contains significant glazing with a contemporary surround. Fenestration on upper floors was amended at further information station to better reflect the pattern of the existing building.
- 7.4.4. I would have no objection to an appropriate contemporary design in a historic streetscape *per se*. As noted above, I also consider that a marginal increase in building height is acceptable if it is necessary for improved floor to ceiling heights. I would be fully in agreement with the Planning Authority, however, that the proposed development is of a scale and design that is entirely inappropriate in this setting. As noted in the Architectural Impact Assessment submitted with the planning application, the proposal deliberately interrupts the language and pattern present in other buildings by establishing a new focal point in order to draw people into and through the new cantilevered box.
- 7.4.5. I consider that any contemporary intervention in such a historic streetscape should not be for the purposes of interrupting the established rhythm and proportions of the street. The proposed cantilevered box will form an obtrusive and dominant feature that will be significantly in breach of the established building line, eaves, angles and dimensions of the streetscape. The glazing and surrounding metal cladding façade treatment are also considered unsuitable by reason of the extent of these materials.
- 7.4.6. I would be of the opinion that the proposed height of the main building is excessive and unnecessary to achieve required ceiling heights. The building will be significantly above the height of adjoining buildings, in particular the 2-storey structures to the south-west. I consider that the main building and wider street would benefit from a traditional shopfront design without large expanses of glass. Overall,

the proposal fails to respect the scale and proportions of the streetscape and is devoid of the detail of design present within existing shopfronts aligning the street.

7.5. Pedestrian permeability

- 7.5.1. The applicant argues that the existing archway creates a wind tunnel effect and pedestrians tend to use covered accesses through shops as an alternative to access the car park to the rear. It is submitted that the proposal designates an entire urban plot width to a pedestrian link with a protected atrium in place of the archway.
- 7.5.2. The proposal will see the creation of this new circulation zone that will provide side access to the convenience store/ bakery and the main access to upper floors and to the car park to the rear. Whilst this may improve the levels of comfort for users of the proposed development, I would be of the view that the existing archway link provides a semi-public function. The proposed access will appear less permeable and inviting and more restricted for pedestrians.
- 7.5.3. In addition to providing open access to the rear car park and a number of small businesses, I would be of the view that the archway represents one of the more important historic features of the site. I recognise that there may be an issue with wind tunnelling; however, this could be addressed by carefully placed screening/ landscaping.

7.6. Conclusion

- 7.6.1. Section 12.8 of the Development Plan sets out principles for good development within the town centre. In this regard, new town centre developments will be required:
- *respect the character of the streetscape in terms of design detail including proposed materials.*
 - *conform with the scale, massing, layout, height and urban grain of the streetscape as far as possible to ensure continuity of street frontage and definition of public and private space.*
 - *observe the historic building line, avoiding any setbacks where possible.*

- *respect and not restrict important view / vistas or landmarks within the townscape.*
- *where possible contribute to enhancing the focus of pedestrian movement within the town centre.*

7.6.2. I consider that the proposed development does not respect the character, scale, massing and height of the streetscape and fails to ensure a continuity of street frontage through significant breaches of building line, eaves and ridge heights. The proposal will also see the removal of an important and historic access route, thereby interfering with town centre pedestrian movement.

7.7. Appropriate Assessment

7.7.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

7.8. EIA Screening

7.8.1. Having regard to the nature and scale of the proposed development and the fact that the development will not result in the production of any significant waste, or result in emissions or pollutants, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the prominent location of the site in a central position within a historic streetscape, and to the existing character and the prevailing pattern of development, in particular the building line, eaves and ridge heights, roof angles, fenestration, shopfronts and archways, it is considered that the proposed development, by reason of its scale, height, massing, design and extent of materials, would be visually obtrusive and out of character with its surroundings, and would seriously detract from the architectural character and setting of the townscape generally. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

24th September 2018