



An  
Bord  
Pleanála

## Inspector's Report ABP-301937-18.

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### Development

Change of use of former bank building, (A Protected Structure), from offices to restaurant and public bar use with ancillary kitchen, services, stores and toilet facilities.

### Location

The Bank Building, Meagher Street, Dungarvan, Co. Waterford.

### Planning Authority

Waterford City and County Council.

### Planning Authority Reg. Ref.

18/47.

### Applicant

Michael Ryan.

### Type of Application

Permission.

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party V Decision.

### Appellant

Michael Burke.

### Observers

None.

### Date of Site Inspection

15<sup>th</sup> October 2018

### Inspector

Susan McHugh.

## 1.0 Site Location and Description

- 1.1. The appeal site is located at the entrance to Dungarvan town centre, at the junction between Davitt's Quay to the north, T.F. Meagher Street to the south and the R675 to the east.
- 1.2. The site is flanked to the immediate north by a 1970's era three storey building known as 'Bridge House'. It was formerly in use as offices associated with Glanbia and is now vacant. Beyond this to the north is another three storey building known as 'Aras Brúgha', which is a Protected Structure. It is currently undergoing renovation as a hostel. A bicycle hire shop is located opposite the site to the north east.
- 1.3. To the west lies Walsh Street which serves the Dungarvan Shopping Centre, Cinema and three storey apartments. To the south lies Lawlor's Hotel which is 3 storeys in height plus mansard. This building includes a vehicular access from Walsh Street and surface car parking to the rear. The Courthouse is located on the opposite side of T.F. Meagher Street.
- 1.4. The site has a stated area of 723sqm. and forms part of a larger site in the applicants' ownership outlined in blue which includes Bridge House and a large vacant area extending to the rear with frontage onto and access from Walsh Street.
- 1.5. The existing building is located on the west of T.F. Meagher Street, facing the Devon Bridge over the Colligan River and harbour. It is a Protected Structure and dates from c. 1860. It is a predominantly detached five-bay, two-storey over basement sandstone ashlar Classical-style former bank building. It has a stated floor area of 652sqm. and is currently vacant. To the rear comprises a two storey return and lean to, with another more recent extension to northern side associated with the former Glanbia laboratory.
- 1.6. Two separate metal gates define a service entrance from T.F. Meagher Street and right of way to the south of and outside the subject site. This right of way runs along the northern gable of Lawlor's Hotel to Walsh Street to the west.
- 1.7. There is on street pay and display parking opposite adjoining the harbour, and a major bus stop further north along Davitt's Quay for buses serving Waterford.

## 2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 26/01/2018 with
- 2.2. Further plans and details were submitted on the 25/04/2018. The latter triggered revised public notices.
- 2.3. The proposed development as lodged comprises;
  - Permission for change of use of a former bank building, (a protected structure), from offices (most recently used as an arts centre) to restaurant & public bar use with ancillary kitchen, services, stores and toilet facilities.
- 2.4. The proposed works to the existing building are set out in more detail below;
  - *Demolition* of glazed roof to rear return (11sqm), lean-to abutting south gable (18sqm) and return structure (40sqm) to rear & abutting 3 storey staircase link to Laboratory building to the north gable (5sqm at each level) and block up doors to North gable.
  - *Basement* - Works to include repair of tanking, new partitions, renewal to non-original linings & finishes. Extension of rear basement area of (43.5sqm).
  - *Ground floor level* – Works to include repair of lime plaster & decorative plaster, repair of existing tiled & timber floor finishes, new floor finishes & alterations to non-original finishes. New structural opes & partitions & fittings.
  - Re-construct lean-to (18sqm) abutting south gable with glazed openings to front & rear. Reduction of cill level to rear elevation window at ground floor to enable access to extension kitchen area.
  - Construction of a single storey extension (148sqm) to the rear of the ground floor level extension.
  - *First floor level* - Works to include removal of non-original internal partitions & toilet fittings & replacement with new internal partitions, toilet fittings, new kitchen & restaurant fittings & services for 1st floor kitchen.
  - Construction of a first-floor extension to accommodate lift, dumb waiter & services (17sqm to first floor) to the rear to facilitate making the building

accessible. Reduction of cill level to 2 rear elevation windows to enable access to lift & dumb waiter.

- *Windows* - Replace existing aluminium windows to ground & first floor with timber sliding sash windows with "Slimlite" double glazing.

2.5. Other works to include;

- Fire rate existing ground floor ceiling with Rockwool on metal mesh between joists & fire rate existing original doors using Envirograph products.
- Repair of original joinery – to include shutters & casings, original extant skirtings, re-use of remaining original intact floorboards.
- Repair & localized re-pointing of façade with traditional lime mortar, biocide & remove façade and parapet vegetation, repair cracks to façade & chimneys & Doff cleaning of façade.
- Replacement of mechanical & electrical services to building, including provision of passenger lift & service dumbwaiter & re-location of main electrical board from entrance hall.
- Redecoration internally & externally on completion.

2.6. Provision of 2 no. accessible parking spaces & 1 no delivery space to rear.

2.7. Plans submitted included details of a temporary parking strategy on lands within the applicant's ownership. This comprises a surface car park with 37 no. spaces with two options in terms of access arrangements, Option A proposes a new vehicular access from Walsh Street, while Option B proposes an alternative new vehicular entrance from the proposed new right of way.

2.8. Hard & soft landscaping including awnings to the external terrace areas.

2.9. The proposed development will be served by existing connection to the public system.

2.10. The application was accompanied by the following;

- Cover letter
- Architectural Heritage Impact Assessment Report
- Infrastructure Service Report

- 2.11. In the interests of clarity for the Board pursuant to further information, the applicant submitted revised public notices, and revised site boundary indicating access arrangements from Walsh St. and noted the anomaly in the original drawings regarding a ramp at the front entrance.
- 2.12. This assessment makes reference to the plans submitted at further information stage and the original application stage. Unsolicited additional information was also submitted 26/01/2018 regarding temporary car parking provision on lands within the applicants' ownership.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority **granted** permission subject to 8 no. conditions. The following conditions are of relevance;

- Condition 1. Compliance with plans and particulars.
- Condition 2. Conservation requirements.
- Condition 3 & 4. Signage, lighting and external plant requirements.
- Condition 5 & 6. Noise level requirements.
- Condition 7 & 8. Demolition waste and waste management plan.

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

##### 3.2.1. **Planning Reports** (dated 20/03/2018 and 30/05/2018)

The 1<sup>st</sup> Senior Executive Planners report is the basis for the planning authority decision. It includes;

- Concern in relation to access to proposed temporary car parking spaces and refuse store to the rear via a 'future' right of way on third party lands, which did not form part of the development description.
- Concern in Inclusion of a ramped access and railings at the main entrance to the building.

The 2<sup>nd</sup> Senior Executive Planners report dealt with the applicant's response to further information as follows:

- Addresses matters in relation to the revised red line boundary map to accommodate the proposed access and revised parking arrangements
- Notes the omission of the ramped access.

### 3.2.2. **Other Technical Reports:**

- **Transportation Dungarvan/Lismore:** No reports on file. Reference in Planners report to discussions with the Area Engineer who recommended no objection to car parking proposals, but that proposed right of way and ramp require clarification.
- **Conservation Officer:** Report dated 16/03/2018 recommended no objection subject to conditions.

The application was also referred to the Senior Executive Engineer Environment and the Building Control Officer, no response was received.

### 3.3. **Prescribed Bodies**

- **Department of Culture Heritage & the Gaeltacht:** Report dated 28/02/2018 welcomes the proposed rehabilitation of the Protected Structure and has no objection subject to conditions.

The application was also referred to the Health Service Executive, Failte Ireland, Minister for Arts, Heritage, Regional, Rural & Gaeltacht Affairs, An Taisce, OPW, An Comhairle Ealaíon The Heritage Council, no response was received.

### 3.4. **Third Party Observations**

One submission was received by the Planning Authority and has been forwarded to the Board and is on file for its information. The issues raised are comparable to those raised in the third-party appeal summarised in section 6 below.

## 4.0 Planning History

### *Laneway / Right of Way to the South*

**ABP. Ref. 56.233856:** Permission **granted** 16/11/2009 to erect a 2.1m high fence to delineate the perimeter of the one-way vehicular access linking Richard A. Walsh Street to T.F. Meagher Street, as previously granted under planning register reference number PL45-02 for the Dungarvan Shopping Centre development. Also, demolition of a shed, make a finished road and pedestrian facilities on same with connection to all services and site development works. (File attached)

This permission was not implemented.

### *'Bridge House' to the North*

**P.A. Reg. Ref. 18/612:** Permission **refused** 25/10/2018 for demolition of the 3 storey office building, and construction of a 10 storey/part 8 storey block fronting onto Walsh St., and 6 storey over basement block fronting onto Davitt's Quay.

Block fronting onto Walsh St. would accommodate the following;

- 94 no. short term let residential apartments for holiday use with Leisure centre with swimming pool & ancillary accommodation.
- 4 levels of carparking accommodating 142 carparking spaces & bicycle parking facilities with new vehicular entrance from Walsh St.
- 3 no. ground floor commercial units.

Block fronting onto Davitt's Quay would accommodate the following;

- 26 no. short term let residential apartments for holiday use, with associated reception, management office and function room.

Reasons for refusal included the following;

1. Design, height, scale, bulk and mass would adversely affect the character and setting of adjoining protected structures Bank House and Aras Brugha,
2. Excessive height would be out of character and adversely impact on the visual amenities of its immediate area.
3. Failure to demonstrate that an adequate water supply or waste water disposal system is available to serve the development.

4. Non-compliance with Development Management Standards as set out in Variation No. 1 to the Dungarvan Town Development Plan 2012-2018 and Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities Development Management Standards and constitutes overdevelopment of the site

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Dungarvan Town Council Plan 2012-2018

The subject site is zoned Town Centre with the objective, *'To provide for an integrated mix of residential, commercial, community and social uses within the town or village centre.'*

**Chapter 5** refers to Economic Development.

**Policy ECD 15** seeks *'To continue building on the strengths of Dungarvan, giving priority to sustainably developing the tourism product, festivals and events and to consolidate the retail, hospitality and tourism sectors in the Town.'*

**Chapter 7** refers to Built Heritage and Archaeology

**Section 7.1** Architectural Heritage

**Policy BH1** seeks *'to protect the built heritage and to encourage sensitive redevelopment or reuse of buildings to promote economic growth and regeneration.'*

**Section 7.2** refers to Protected Structures

**Policy BH3** seeks *'to maintain a Record of Protected Structures within the Town to protect all the structures or parts of structures which are of historical, architectural, artistic, archaeological, social, scientific, technical and cultural interest.'*

**Heritage Map 1** (Revised 14/11/2014) identifies the appeal site as a protected structure. See map attached.

**Section 7.4** refers to Archaeology

**Heritage Map 2** identifies the appeal site within an area of archaeological potential. See map attached.



**Chapter 10** refers to Development Standards.

**Table 10.9** - Car Parking Requirements

Land Use	Non Operational Parking Spaces Required	Operational Parking Spaces Required	Bicycle Parking Spaces Required
Restaurant/ Café 2, 3	1 space per 10 sq. m of usable floor space	1 space per 4 employees	10% of car parking requirement.

**Note 2:** It will be necessary to provide bus parking and set down / pick up spaces off the public road where such spaces are not already provided in a convenient location.

**Note 3:** This standard may be relaxed in town centres where the vehicle usage associated with the premises could be expected to be reduced due to the nature and location of the development.

**Variation No. 1** to the Dungarvan Town Development Plan, Development Management Standards, adopted on the 8<sup>th</sup> September 2016.

**Section 6** refers to Parking Standards.

**Section 6.1.1** refers to Parking Requirement for Change of Use

*‘Where an application for change of use is made the parking requirements will be the difference between the new use parking requirement and the existing use parking requirement. In Waterford City Centre, with a view to encouraging utilisation of upper floors the parking requirement will be reduced by 50% for first floor change of use, where applicable, and there will be no parking requirement for second floor and subsequent floors.*

**\*Note for Reader:** *In certain categories, different car parking standards apply to Waterford City Centre from other locations in the County. The car parking standards that apply to Waterford City Centre also apply within 250m of a Public Transport Route within the Waterford City Development Plan 2013-2019 area.’*

Table 5.0 Car Parking Standards

<b>Land Use Commercial</b>	<b>Car Spaces</b>
<i>Restaurants</i>	1 per 30 sq.m net floor area in Waterford City Centre* In all other locations 1 per 15 sq.m net floor area
<i>Bars, Lounges, Function Rooms including such spaces in Hotels</i>	1 per 30 sq.m in Waterford City Centre* 1 per 20 sq.m net floor area in all other locations.

### **Appendix A3** Record of Protected Structures

RPS No: 26 Former Provincial Bank, Davitt's Quay, Dungarvan (Commercial).

National Inventory of Architectural Heritage (NIAH): Reg. No:22821017.

#### **5.2. Relevant Government Policy**

- The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

#### **5.3. Natural Heritage Designations**

The following European sites are within a 15km radius of the appeal site:

<b>Site Name</b>	<b>Designation</b>	<b>Site Code</b>	<b>Distance</b>
Dungarvan Harbour	SPA	004032	100m E
Glendine Wood	SAC	002324	3.6 km NE
Blackwater River (Cork/Waterford)	SAC	002170	6.4km SW
Helvick Head	SAC	000665	6.6 km SE
Mid-Waterford Coast	SPA	004193	8.1km E
Comeragh Mountains	SAC	001952	9.4 km N

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third-party appeal was lodged by Bernard Dee, Consulting Planner on behalf of Michael Burke, Strandside South, Abbeyside, Dungarvan, Co. Waterford. The issues raised are summarised as follows;

- *Overdevelopment* - proposed development constitutes overdevelopment of the existing structure, which is inappropriate by virtue of its scale and impact on the heritage value of the protected structure,
- *Parking* - provision is significantly deficient having regard to Development Plan standards and materially contravenes same.
- *Archaeology* - located within a Zone of Archaeological potential, proposal to introduce a new floor slab in the basement in the absence of archaeological investigations, contrary to Development Plan requirements.
- *Structural Stability* - no justification or structural engineers report provided for the demolition of the existing rear extension and south annex which are inherent parts of the historic structure.
- *Right of Way* - ownership information requested by the planning authority has not been supplied by the applicant, and this needs to be resolved.
- *Assessment* – Planner’s report and Conservation Officers report do not sufficiently address the above issues.
- *Use* - no objection in principle to the restoration and reuse of the protected structure for restaurant/public house use.
- *Piecemeal development* – absence of a masterplan for the area and proposed development results in an ad hoc form of urban renewal.

### 6.2. Applicant Response

The applicant responded to the appeal as follows;

- *Overdevelopment* – no objection raised from local authority officers or from the Dept. of Culture, Heritage & the Gaeltacht who welcome the rehabilitation

of the protected structure. The plot ratio is less than 1:1.1, site coverage is 57%, scale is modest, design necessary to provide sufficient services for the proposed reuse which is a viable and sustainable use for the building. Design approach was prepared by a conservation practice, rather than as only consultant conservation architects. A design strategy and solution were prepared while the new build is designed to be identifiably contemporary.

- *Parking* – no objection raised from local authority officers given the town centre location. Existing building has always had a commercial use. Only 210sqm floor area proposed, with 84sqm of existing development being removed, leaving a net increase of only 126sqm. Provision of 3 no. car parking spaces closely matches the Development Plan requirement considering note 2 to table 5. Appellants rationale for estimation of 28 no. car parking spaces is based incorrectly on the superseded Chapter 10 of the Development Management Standards of the Dungarvan Town Development Plan, Variation No. 1 adopted 08/09/2016.
- *Archaeology* – This is a brownfield site, reference to significant industrial development and planning history to the rear. Basement level of the existing protected structure has had significant alterations, comprising a non-original ground floor and blockwork liner walls to each room. Notwithstanding, open to carrying out any archaeological investigations as deemed necessary.
- *Structural Stability* – Assessment provided in the Architectural Heritage Impact report as having no significant historic fabric or detailed items. Area to be demolished (54sqm or 8% of the existing original floor area) are minor in scale. The demolition of the modern glass abutments and adjoining staircase to the north are a positive removal of non-original structures. The demolition of the rear return required to provide for space and access to the vertical lift circulation, in a location that would provide for the least disruption to the first floor.
- *Right of Way* – The applicant, as owner of the lands immediately to the rear, will provide access to the 3 parking spaces, and outdoor service area to the rear of the building from Walsh Street to the west, without the need of involving a third party. The red line boundary was altered to accommodate

the proposed access and service route from Walsh Street. The Right of Way was permitted by ABP previously (Ref: PL56.233856).

### 6.3. Planning Authority Response

The planning authority's response to the appeal is summarised as follows;

- *Conservation* - The Council's Conservation Officer and Department of Culture Heritage & the Gaeltacht did not raise any objection to the proposal (including proposed demolition works) subject to a number of planning conditions. The integrity of the Protected Structure and the Dungarvan Architectural Conservation Area would be preserved as a result of the proposed development.
- *Demolition Works, Overdevelopment, Extension Design* – Satisfied that the proposed extension has been appropriately sited and designed, and would not subsume the rear elevation nor detract from the aesthetic of the Bank Building.
- *Car Parking* – Accepts that car parking provision falls significantly short of development plan standards, but town centre location was explicitly had regard to, as was the development proposal for the adjoining lands within the ownership of the applicant (outlined in blue), which will address car parking.
- *Archaeology* – Application was referred to the Department of Culture Heritage & the Gaeltacht, no concerns were raised.
- *Fees* – Addressed in the planner's report.
- *Red Line Boundary* – At further information stage this was altered to accommodate the proposed access route, revised car parking and delivery parking arrangements. Access and service route is from Walsh Street.

### 6.4. Observations

None.

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment and Environmental Impact Assessment also need to be considered. The issues are addressed under the following headings;

- Principle of Development
- Impact on the Protected Structure
- Access and Car Parking
- Other Matters
- Appropriate Assessment
- Environmental Impact Assessment

## 7.2. Principle of Development

7.2.1. The proposed change of use to restaurant and public bar complies with the Town Centre zoning objective as it relates to the site. The zoning objective seeks to provide for an integrated mix of residential, commercial, community and social uses within the town or village centre. Such uses are therefore acceptable in principle.

7.2.2. I also consider that the proposed use in this instance further supports the wider strategic objectives as they relate to the town centre. The proposed uses, will reinvigorate and rejuvenate this landmark building and will add a new vibrancy and vitality to the former bank building. The former bank building is a key landmark building in the town centre and it is important that the building is utilised and contributes to the wider economic, social and cultural objectives as they relate to the town centre. The proposed development is in accordance with Policy BH1 as it refers to architectural heritage.

- 7.2.3. The proposed development will contribute to the promotion and facilitation of tourism and will also support the provision of necessary facilities within the town centre including restaurants and bars which provide important visitor attractions. The utilisation of the outdoor seating area and restaurant/bar area will enhance this prominent building at the entrance to the town. The proposed use will also reinforce the tourism and economic potential associated with the adjoining hotel and nearby hostel and help build on the success of the Waterford Greenway. The proposed development is in accordance with Policy ECD15 in relation to economic development and the development of the tourism sector.
- 7.2.4. I do not concur with the appellant that the proposed development constitutes over development of the site. The existing building has a stated floor area of 652sqm while the stated floor area of the proposed building is 821sqm. This represents an overall increase of 169sqm or 26% increase over the original. I also accept that the proposed works are necessary to provide sufficient services for the proposed reuse which I consider to be a viable and sustainable use for the building.
- 7.2.5. Similarly, I do not concur with the appellant that the proposed development gives rise to piecemeal development or ad hoc urban renewal. The proposed development is primarily for a change of use to an existing building which is within the town centre
- 7.2.6. In summary, the principle of the proposed change of use is acceptable given the zoning, is in accordance with Policy BH1 and Policy ECD15 and in my opinion, does not constitute overdevelopment of the site or result in piecemeal development. I am satisfied therefore, that there is no basis to the grounds of appeal and no obstacle to a grant of permission.

### **7.3. Impact on Protected Structure**

- 7.3.1. As already noted in section 5 above the existing building is a protected structure and is currently vacant.
- 7.3.2. The Architectural Heritage Impact Assessment Report submitted with the application outlines the importance of the building in terms of its architectural, social and historic interest which contributes to an understanding of the town and its commercial trading history and citizens. The report also notes that the architectural significance and

identity of the Bank Building is principally derived from its setting forming an historic streetscape and its relationship to the quay walls and bridge.

- 7.3.3. Demolition works proposed are to the western/rear elevation, southern and northern side gables and comprise; a glazed roof to rear return, lean-to abutting the south gable, return structure to rear and abutting 3 storey staircase link to Laboratory building to the north gable. It is also proposed to block up doors to the north gable to the side which relate to later additions to the structure. In general, these elements are latter additions to the principal structure and their removal is considered acceptable.
- 7.3.4. Externally, I note that the building and roof are in reasonable condition and external works proposed primarily comprise replacement timber sliding sash windows and repairs to the facade which is welcomed.
- 7.3.5. Internal works to the Protected Structure are described in detail in the accompanying Architectural Heritage Impact Assessment Report which I have read and considered. The architectural appraisal in the Report notes that internally the building has already been altered with modern finishes, layouts and internal decorative features, however the sequence of the original room spaces has for the most part survived. I concur with this assessment and note from my site inspection and noted features such as the existing tiled hallway and staircase including the generous proportions of the rooms and their attractive aspect to the front overlooking the quay walls, harbour and Devon Bridge over the Colligan River.
- 7.3.6. At basement level it is proposed to extend to the rear by 43.5sqm. I note the appellants have raised concern in relation to the proposal to introduce a new floor slab in the basement in the absence of archaeological investigations, which is contrary to Development Plan requirements. While I would share these concerns I also note that appropriate conditions in respect of archaeological monitoring were attached by the planning authority and could also be attached to a future grant of permission. I also note that the Department of Culture Heritage and the Gaeltacht has no objection to the proposed works.
- 7.3.7. The concerns raised by the appellant in relation to the impact of these works on the structural stability of protected structure are also valid. I therefore consider it



appropriate that a structural survey be carried out by a suitably qualified structural engineer, in advance of any works to the basement.

- 7.3.8. The most significant alteration to the protected structure is the construction of a two storey extension to the rear which provides for a modern kitchen toilets and lifts. The appellants however, have expressed concern in relation to the scale and design of the proposed extension. I am satisfied that the proposed new build is relatively modest in scale and massing and is subservient to the main structure. I also accept the rationale put forward by the applicant in providing the new kitchen and lift in the new build, thereby minimising the level of intervention within the main structure which is retained as restaurant and bar areas, is reasonable and justified.
- 7.3.9. It is also proposed to construct a single storey lounge at ground floor level abutting the south gable. It has a stated area of 18sqm and includes glazed openings to front & rear. These give access to an external seating area delineated by the original railing to the front and proposed new railing extending along the southern site boundary. I consider that this glazed area and external seating area represents further enhancements to the public realm.
- 7.3.10. I am satisfied that the proposed works to the protected structure are in keeping with the spirit of the original purpose of the building. I am also satisfied that the proposed development relies on minimum intervention to the protected structure while still ensuring the integrity of the protected structure and therefore, is in accordance with the guidance provided in the Architectural Heritage Protection Guidelines for Planning Authorities. I note that the Conservation Officer of the planning authority and Department of Culture Heritage & the Gaeltacht raised no objections and welcomed the proposal.
- 7.3.11. I acknowledge that it can be a challenge in adapting protected structures while ensuring a commercially viable use. In this instance I consider that as the building is not currently in use that there is a planning gain in returning the structure into a tourism related commercial use.
- 7.3.12. I am satisfied that the proposed development will not detract from the integrity of the protected structure. I am also satisfied that the proposal complies with Policy BH1, and BH3 of the Dungarvan Town Council Plan 2012-2018, the Architectural Heritage

Protection Guidelines for Planning Authorities, and therefore, there is no basis to this ground of appeal, and no obstacle to a grant of permission.

#### **7.4. Access and Car Parking**

- 7.4.1. The issue of car parking and access to the car park is raised by all parties and in my opinion, is the crux of this appeal. There is an existing vehicular entrance and pedestrian gate located between the southern area of the appeal site and the northern gable of the adjoining Lawlors Hotel. This area is identified on the plans submitted as a right of way which extends from the entrance on Meagher St. to Walsh St. to the west.
- 7.4.2. I note that this right of way although indicated on drawings submitted does not form part of the applicants' landholding. Permission was granted 16/11/2009 under ABP. Ref. 56.233856 for a one-way vehicular access linking Walsh Street to Meagher Street, as previously granted under planning register reference number PL45-02 for the Dungarvan Shopping Centre development. This permission has not been implemented. I also note that there is no specific local objective in the Dungarvan Town Plan identifying this connection between the Dungarvan Shopping Centre and Meagher St.
- 7.4.3. In relation to the right of way, I consider this to be somewhat of a distraction to the current appeal. The proposed development is not reliant on this right of way and it has been demonstrated in the application that it can operate independent of its use now and in the future. Notwithstanding the contention by the appellant that the right of way ownership information which has not been supplied by the applicant should be resolved by the Board, I see no merit, in the Board to investigating this matter further.
- 7.4.4. The original proposal as indicated in the application as lodged was to provide 2 no. disabled parking spaces and one delivery/service space to the rear of the subject building. The Mc Crane Consulting Engineers planning report which accompanied the application notes the town centre location, and that it is was not proposed to provide any general parking at the site. The applicant also indicated that as part of the phased redevelopment of his overall landholding that a temporary surface car park providing 37 car parking spaces would be provided to the rear of the site.

- 7.4.5. The solution proposed was an interim measure pending the redevelopment of the adjoining site to the north 'Bridge House', and this was accepted by the planning authority. Two access options to the car park were proposed Option A provided for an access from an existing layby on Walsh St., while Option B provided access from the future right of way.
- 7.4.6. The planning authority noting the development description which did not refer to these temporary spaces and the issue of access to the car parking proposed requested revised proposals.
- 7.4.7. The applicant submitted revised site layout plans Dwg No. PP11 by way of further information, indicating an extended site area outlined in red providing access from Walsh St. I consider this access arrangement to be acceptable.
- 7.4.8. In this regard I note also that a recent planning application under P.A. Reg. Ref. 18/612 was lodged by the applicant for a mixed-use development on the site at Bridge House, which included 4 levels of carparking accommodating 142 carparking spaces & bicycle parking facilities. Permission was refused by the planning authority 25/10/2018, and this decision had not been appealed to the Board.
- 7.4.9. Car parking requirements based on Table 10.9 of the Dungarvan Development Plan 2012-2018 were calculated by the applicant as 33 for the proposed development and 5 for employees. The appellant acknowledges the town centre location of the site but considers by their own calculations a requirement for 28 spaces that the significant shortfall in car parking materially contravenes Development Plan standards.
- 7.4.10. While I am mindful of Note 3 of Table 10.9 which refers to circumstances where the car parking standard may be relaxed in town centres 'where the vehicle usage associated with the premises could be expected to be reduced due to the nature and location of the development' could apply. I also have had regard to Variation No. 1 of the Dungarvan Town Plan 8<sup>th</sup> September 2016 and Section 6.1.1 which refers to parking requirements for developments where there is a change of use. In such cases the parking requirements will be the difference between the new use parking requirement and the existing use parking requirement. There is also an acknowledgement that where sites are located within 250m of a Public Transport Route that different car parking standards apply.

- 7.4.11. I would note the concerns of the appellant in relation to the shortfall in car parking and this was also acknowledged by the planning authority. However, in this instance there are significant mitigating factors which in my opinion justify a relaxation in parking standards. The town centre location must be considered, as does the fact that the applicant has control over the immediately adjoining lands to the rear of this brownfield and currently vacant site. There is therefore, some merit in utilising this area albeit in the short term.
- 7.4.12. The immediate area is served by a number of public and private car parks including the multi-storey car park as part of the Dungarvan Shopping Centre development to the west. On street pay and display parking is also located along the adjoining streets and harbour. There is also a private surface car park located to the rear of Lawlor's Hotel, directly to the south of the appeal site. The site is also proximate to a major bus stop as well as the Waterford Greenway.
- 7.4.13. I also consider the nature of the use is more likely to attract visitors to the area either already staying in accommodation nearby or taking advantage of alternative modes of transport other than by private car. The town of Dungarvan is currently undergoing a degree of rejuvenation with the success of the Waterford Greenway and consequent increase in tourism.
- 7.4.14. Therefore, I am satisfied in this instance that the access and parking arrangements proposed within the subject site as outlined in red and submitted by way of further information are acceptable. While I also note that the provision of a temporary car park with access from Walsh Street (Option A) on lands within the applicant's ownership is acceptable on a temporary basis, I consider the extent of parking proposed to be excessive, given the availability of public and private parking in the town centre. I am also mindful that the proposed development will further act as a catalyst for the redevelopment of the adjoining Bridge House site, which has the potential to provide more formal car parking arrangements which can cater for development on the subject site.

## 7.5. Other Matters

- 7.5.1. *Development Contributions* – Section 7.3 of the Development Contribution Scheme provides a general exemption for change of use in Dungarvan where the change of

use does not need new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure.

- 7.5.2. I note the decision of the planning authority did not include a requirement for development contributions under the Scheme. I consider that the proposed use would not result in an intensification of the use of the building and as such would not place additional demand on existing infrastructure and as such I am satisfied that the proposed development would be exempt.

## 7.6. **Appropriate Assessment**

- 7.6.1. The application was screened by the planning authority and the need for a stage 2 appropriate assessment was screened out. Having regard to the nature and scale of the proposed development located in an established urban area and the proximity to the nearest European site 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.

## 7.7. **Environmental Impact Assessment**

- 7.7.1. Having regard to the nature of the proposed development, and the location in an environment that is not particularly sensitive, 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 a grant of permission subject to the following conditions.

## 9.0 **Reasons and Considerations**

Having regard to the town centre zoning objective contained in the current Dungarvan Town Council Plan 2012-2018, which seeks to provide for an integrated mix of residential, commercial, community and social uses within the town or village

centre, it is considered that the proposed development, subject to the conditions set out below, would not seriously impact on the integrity of the protected structure or character of the area, would not seriously injure the visual amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25<sup>th</sup> 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 the 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. Vehicular access and parking arrangements shall be as indicated on Dwg. No. PP11, submitted by way of further information 25<sup>th</sup> April 2018.

**Reason:** In the interest of clarity.

3. Prior to the commencement of development, details of all materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and visual amenity.

4. A full architectural survey of buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. A structural stability report shall be undertaken by a suitably qualified structural engineer and shall be submitted to the planning authority prior to commencement of development.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. The primary function of the restaurant shall be for the sale of food, meals and refreshments for consumption on the premises and the unit shall not be used exclusively as a public house. Any subsequent change of use including use of a take-away for the sale of hot food for consumption off the premises shall require a prior grant of planning permission.

**Reason:** In the interest of preserving the amenities of the area

8. Prior to the commencement of the proposed use, detailed drawings of any new proposed signage materials and finishes to the front of the restaurant and bar including any illumination or lighting details shall be submitted for the written approval of the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

9. The opening hours of the restaurant/public house shall be restricted to between 07.00 a.m. and 23.30 p.m. each day.



**Reason:** In the interests of residential and neighbourhood amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services

**Reason:** In the interest of public health.

11. 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 integrated 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.

12. 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 material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, 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.

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Susan McHugh  
Planning Inspectorate

30<sup>th</sup> November 2018