



An  
Bord  
Pleanála

## Inspector's Report ABP 302290-18

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<b>Development</b>	Alterations to layout (P.A. Reg. Ref. 17/93, and extensions to include eight additional bedrooms and associated works.
<b>Location</b>	Glenlo Abbey, Kentfield, Galway. Protected Structures.
<b>Planning Authority</b>	Galway County Council
<b>P.A. Reg. Ref.</b>	18/658
<b>Applicant</b>	Baswal Ltd.
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Prior Park, (Ireland) Assets, Ltd.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> October, 2018.
<b>Inspector</b>	Jane Dennehy.

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## 1.0 Site Location and Description

- 1.1. The application site is that of the Glenlo Abbey Hotel, formerly known as Glenloe Abbey is a hotel and golf complex is located to the north east of Galway city with access from the N59. The total stated area of the hotel complex and golf course is 7.15 hectares. Lough Corrib is approximately three hundred and fifty metres to the north.
- 1.2. There is an original, two storey five bay demesne dwelling with a canted bay, cut limestone steps and a half basement. There is also a chapel, which was constructed in the late eighteenth century adjacent to the house within the demesne and it is at present in use as a restaurant. A former rectangular shaped walled garden on which three granite stone walls survive is laid out in a lawn at present to the south east side. There is a three-storey extension (bedroom block) perpendicular to the rear of the original house, a three-storey building known as the Pavilion building to the east and, approximately one hundred metres to the north there is a golf club building.
- 1.3. The hotel complex has undergone refurbishment and upgrading including the new spa, sunken garden, extensions to the hotel and golf club buildings and carparks along with a new internal road to the south.
- 1.4. An on-site septic tank and wastewater tank were replaced in 2016 by a wastewater pumping system connected to a rising main and discharge to the public wastewater treatment system at Dangan Heights. There are two underground pump stations and valve chambers and kiosks.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for alterations to the previously permitted development under P. A. Reg. Ref. 17/93, (Outline details of which re provided under Para 4 of this document.) The elements of the current application comprise:

Alterations of the previously approved ground floor extension to include an additional bedroom and omit a kitchen store/pantry.

Alterations of the previously approved first floor and second floors of the previously permitted three storey extension to include two new bedrooms and omission of a stair core.

Construction of a two-storey extension to provide for bedrooms and fire escape over the permitted single storey extension.

Conversion of a permitted laundry room to a bedroom at first floor level,

Omission of a pair of glazed double doors and terrace gardens at ground floor level bedrooms

Omission of a first-floor extension at the Pavilion building.

- 2.2. The application is accompanied by a design statement, infrastructure design specifications and details, a statement by the applicant's licensed archaeologist, and ecological and appropriate assessment screening report.
- 2.3. According to the application submission there are 204 onsite car spaces and three disability spaces. The permitted development under P. A. reg. Ref. 17/93 provides for 229 spaces inclusive of eight accessible spaces. A short fall of 6.8 spaces will occur with the development in place. The north facing carpark is to be removed and replaced with formal gardens. The permitted parking under P. A. Reg. Ref 17/93 will be constructed in 17/93

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 12<sup>th</sup> July, 2018, the planning authority decided to grant permission subject to conditions of a standard nature which include removal of exempt development entitlements, (Condition No 7) and, an archaeological monitoring condition, (Condition No 9.)

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

#### **3.2.1. Planning Reports**

The planning officer indicated satisfaction with the proposed development.

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

The conservation officer indicated satisfaction with the proposed development and included a recommendation for attachment of a condition in her report.

### 3.2.3. **Prescribed Bodies.**

A statement from Transportation Infrastructure Ireland (TII) confirms no objection to the proposed development.

### 3.2.4. **Third Party Observations**

A residents' association lodged a submission in which it is submitted that the application shows no regard for the protected structures or structure proposed for inclusion on the National Monuments register. It is noted that no conditions were attached to the prior grant of permission under P. A. Reg. Ref.17/93 and that the planning authority did not take into consideration a trench that had been dug through the curtilage of the protected structure within supervision by a licensed archaeologist. It is submitted that the planning authority failed in its responsibilities in this regard.

## 4.0 **Planning History**

The Glenlo Abbey Hotel and golf complex has been subject of an extensive planning history. This current application is for changes to a prior grant of permission and permission for retention, following appeal under **P. A. Reg. Ref. 17/93 (PL 07 248915)**, details of which follow:

- a single storey extension to the golf clubhouse,
- demolition of a stair core and part of a link between the existing bedroom block and the Pavilion building and construction for a three storey extension with seventeen bedrooms and ancillary accommodation and external terraces and glazed doors,
- new external fire escape stairs and a first floor extension to the Pavilion building,
- a single storey spa facility within the walled garden linked to the hotel,

- a canopy and weather protecting lobby at lower ground level for the Oak Cellar bar,
- Realignment of a south corner of the walled garden to provide for a new internal road to the golf club,
- removal of the carpark from the north of the hotel and establishment of a formal garden in this area, relocation of screened refuse and service yard, Extension and realignment of three car park areas to the south, west and north west, landscaping and site works. The total stated floor area is 1,855.5 square metres.
- Permission for retention of two underground pump stations, valve chamber and service kiosks and landscaping and site works. The stated floor area of the development for retention permission is sixty-two square metres.

An account of some other relevant recent and concurrent planning applications is provided below:

**P. A. Reg. Ref.18/772/ PL 302356:** This is a concurrent application and appeal relating to a proposal demolition of an existing single storey link building and construction of a replacement single storey link building between the hotel building and the abbey. The planning authority decided to grant permission and Prior Park Ireland Assets Limited has lodged a third-party appeal against the decision to grant permission.

**P. A. Reg. Ref. 18/791:** Permission was granted (on 3<sup>rd</sup> August, 2018) for minor alterations to the spa building permitted under P. A. Reg. Ref. 17/93 to include a 670 square metres increase in floor area to accommodate reconfiguration to the layout and plant and, alterations to link an external sunk garden accommodate a fire escape and plant room, minor alterations to elevations and roof and landscaping works.

Permission was also previously granted for a practice putting green and driving range bays and flood lighting under P. A. Reg. Ref. 15/1599; Elevational changes to the Pavilion Building and a first-floor function, (GFA. 37 square metres) under P. A. Reg. Ref. 14/220 and for a spa with a hydrotherapy pool, treatment room exercise area and covered link to hotel under. P. A. Reg. Refs 04/3217 and 05/736 according to details available on file.

There are prior grants of permission, dating from the 1990s which comprise:

Permission for retention of a train used as a restaurant in the grounds (P. A. Reg. Ref. 97/2670); Permission for thirty residential units and private effluent treatment and disposal facilities to include percolation areas, holding sewage treatment plant and holding tank (P. A. Reg. Ref. 97/2358) and, permission for a golf driving range and clay pigeon trap house under P. A. Reg. Ref. 95/1257.

## **5.0 Policy Context**

### **5.1. Development Plan**

The operative development plan is the Galway County Development Plan, 2015-2021 according to which the site does not come within any areas subject to zoning objectives.

The Abbey and the original dwelling are included on the record of protected structures. (RPS Ref. Nos 3441 and 3592 refer.) Policy Objectives AH 1 – AH 4 provide for protection of architectural heritage and standards for works relating to protected structures.

Glenlo Abbey is a recorded monument. (RMP GA082-047.)

Objective FPV1 preserves focal points and views indicated on MAP FPV1 and discourages development negatively impact on them subject to balance between key infrastructure to meet strategic aims, zoning and serviced amenities. There is a protected focal point and view across the site towards Lough Corrib from the N 59 to the west.

There are several policy objectives of a strategic nature relating support for and encouragement of Galway as a tourism destination and to tourism infrastructure and facilities. Objectives EDT 1, EDT 5, EDT6, EDT10 and EDT 14 refer.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A third-party appeal was received from Prior Park Ireland Assets Lit on its own behalf on 8<sup>th</sup> August 2018 according to which the proposed development:

- Does not contribute to sustainable development;
- Has no regard for the protected structures or proposed inclusions on the National Monuments Register and is not sympathetic to national heritage protection.
- It is too close to adjacent private residential development.

6.1.2. According to the appeal, permission should be refused having regard to High Court and Supreme Court Judgements on decision making on planning applications and in which 'stringent benchmarks' for thorough examination of all applications and provision of adequate reasoning for decisions are established. It is submitted that the planner's assessment in his report fails to demonstrate that such standards were followed. No reference is made to the grant of permission under P. A. Reg. Ref. 17/93 in the conditions attached or to Condition No 1 of the Order attached to the Bord Pleanala decision, following determination of the appeal.

6.1.3. It is submitted in the appeal there are significant omissions in the planning history in the planning officer's report and that this inadequacy affects the Appropriate Assessment and that there are inaccuracies in numbering of conditions. Extracts from Costello, J in O'Keefe v An Bord Pleanala [1993] and references are made to Charleton, J. Brian McMahon and An Bord Pleanala and Galway County Council, Sean Forde and Jane Joyce (Notice Parties) regarding thorough examination of planning history and validation.

6.1.4. The prior applications, including the parent application, (for the hotel development on agricultural zoned lands) showed a site outline on the location maps indicating the entire Glenlo Abbey lands of 48 to 54 hectares to be the planning unit. The current application shows substantially different site boundaries reducing the planning unit to 7.15 hectares. This is a material change and a separate planning application is required for the change in the boundaries. It is questionable as to whether works can



be implemented, if permitted without first obtaining permission for the change in boundaries. Article 22 of the Planning and Development Regulations, 2001 as amended, (PDR) refers.

- 6.1.5. There are three concurrent undetermined applications involving massive impact on the protected structure. Conditions, 2,3,4,7,8 and 10 of the prior grant of permission under P.A. Reg. Ref. 17/93 (following appeal) require compliance submissions which should be agreed before considering the subsequent applications. The current application is premature in this regard and the application could create anomalies in deviating from the prior grant of permission. From a legal perspective, the conditions attached to the grant of permission under P. A.17/93 could be regarded as redundant if permission is granted without the compliance submissions on the conditions being agreed. Reference is made to condition No 2 regarding material textures, colours and external finishes, condition No 3 regarding archaeological investigations and supervision and detailed drawings of the walled garden and, Condition 8 regarding implementation and supervision of excavation works.
- 6.1.6. The specification details within the Architectural Conservation Reports are too open to interpretation, especially given the proximity to the protected structures. (“natural stone “or natural stone wall finish” is not good enough.) Rubble stone wall is to be demolished. There is a plethora of contradictions in the past applications.
- 6.1.7. If it is agreed that the change in site boundaries relative to the original application site boundaries, (P. A. Reg. Ref. 54094) the appropriate assessment submitted with the current application cannot be considered.
- 6.1.8. The planning authority reneged on its serious responsibility for protecting national heritage as bound to do so in the Planning and Development Acts, National Monuments Acts and Irish Constitution in the assessment and conditions attached to the grant of permission under P. A. Reg. Ref. 17/93. (The planning authority attached no conditions whereas the Board attached a condition for the protected structures. Condition No 9 provides for some archaeological supervision. The submitted archaeologist’s report is inadequate. There is no record of notification, as required for four weeks’ notice prior to commence of site operations as required under Condition No 8 (a). Lack of notification as required, in advance of trial hole digging renders the works unauthorised development and permission should then be

refused for the current application. In this regard the Board should obtain the files for the application under P. A. Reg. Ref. 17/93 and investigate whether the advance notice was provided. If it was not and unauthorised development took place by way of trial hole digging, permission cannot be grant for any development.

- 6.1.9. The materials, size and massing are out of context with the existing structures and detract from them. The two-storey nature of the extension is a haphazard vista within the curtilage of the protected structures and the staggered windows are out of keeping with the area and can cause overlooking. The development is too invasive in the historic area and unsympathetic the walled garden.
- 6.1.10. The etymology of the Kentfield townland is not explored and there is no detail about an abbey on the site.
- 6.1.11. It is not understood why three applications were lodged within a short space of time and were to be included in one application. The application contradicts itself in some of the justifications put forward for the applications. The applications increase the floor area and use of the complex substantially. Parking space will be more than at a premium and does to satisfy the requirements of the development plan. It is a material contravention when the three applications are considered.
- 6.1.12. There were no financial contribution conditions attached to the grant of permission under P. A. Reg Ref.18/93 but this is rectified following appeal in the attachment of condition No 10- It is ignoring the advice of the Board's inspector in not attaching a financial condition. It could be argued that the grant of permission for the current proposal supersedes that of 17/93 following appeal.

## 6.2. Applicant Response

- 6.2.1. A submission was received from McCarthy, Keville, O'Sullivan on behalf of the applicant in response to the appeal on 10<sup>th</sup> September, 2018 and it includes an account of the background and context and rebuttal of the appeal under subheadings as outlined in brief below.
- 6.2.2. Procedural Issues,  
  
No evidence is available in the submission to demonstrate conflict with legal precedents established by the case law referred to in the submission. The contention

as to lack of robust assessment on the part of the planning authority is subjective. The 'inconsistencies' referred to have no bearing on the assessment. The application documentation and the assessment by the planning authority accords with statutory requirements of Article 22 and 23 of the Planning and Development Regulations, 2001 as amended. (PDR)

Planning unit – site boundaries.

All elements of the proposed development, and the building and the immediate curtilage are within the red line boundary identified in the application drawings and the full extent of the landholding is identified in blue and the application accords with Article 22. (1) (b) (i) of the PDR. There is no obligation to include other areas within the red line boundary. The issues raised in the appeal should be disregarded as irrelevant.

Premature development –

The contentions as to conflicting and overlapping conditions, lack of adequate consideration in assessment and premature development regarding the discharge of the extant grant of planning permission under P. A. Reg. Ref. 17/93 are rejected. The allegation as to disregard for the requirements of condition no 8 (a) thereof in connection with commencing of site investigative works are rejected.

Quantum of 'live' applications.

There is no statutory bar on the lodgement of more than one application at a time or basis to the objections of the appellant in this regard.

Appropriate Assessment

There are no deficiencies regarding Appropriate Assessment obligations

The lodged appropriate assessment screening report indicated no potential adverse impact and the contention of the appellant lacks evidence to the contrary.

Impact on Protected Structures

There is no assessment or report to demonstrate contravention of the findings of the applicant's conservation architect or the conservation officer's observations and recommendations.

Carparking Provision.

There is adequate on-site provision for carparking to serve existing and additional demand arising from the implementation of extant planning permissions. There are 204 space and three accessible spaces at present. Implementation of the grant of permission under P.A. Reg.Ref.17/93 sees removal of a north facing carpark which is to be replaced with gardens and will result in a total of 229 spaces, representing a shortfall of fifteen spaces. The potential shortfall identified in the assessment of the application under P. A. Reg. Ref. 17/93 by the planning authority was resolved on grounds of significant guest arrivals by bus. There is adequate on-site provision for carparking to serve existing and additional demand arising from the implementation of extant planning permissions.

Development Contributions,

The appellant's contentions are not considered relevant to the appeal in that development contributions are a matter for the planning authority.

## 7.0 **Assessment**

7.1. The assessment, having regard to the issues raised in the appeal is set out below under the following sub headings:

Legal, procedural and validity Issues.

Archaeological Heritage

Architectural Heritage.

Carparking

Development Contributions

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

### 7.2. **Legal, procedural and validity Issues.**

7.2.1. Glenloe Abbey has a complex planning history extending back to the 1990s when it was originally developed as a hotel and golf resort. While it is agreed that planning applications have been fragmented and somewhat piecemeal with regard to the

development and the expansion of the complex over past twenty plus years, it is considered that the contentions that the planning code has been breached by the planning authority and or the applicant in relation to legal precedent, validity, procedural matters and the assessment of the current application, quantum of concurrent undetermined applications and appeals or prior applications are matters for resolution through the legal system. Issues as to lack of any reference to the prior grant of permission under P. A. Reg. Ref. 17/93 are noted. However, it is not *ultra vires* a planning authority's powers to consider the application on its own planning merits. It is not an application in that it is not for modifications or amendments or revisions to a prior grant of permission. Issues as to lack of compliance with conditions attached to prior grants of permission are matters to be resolved between the planning authority and the applicant.

- 7.2.2. With regard to the dispute over the planning unit, the inclusion of the details of the entirety of the landholding, (outlined in blue) on the site location map in conjunction with the area (outlined in red) which includes the buildings and the immediate curtilage is consistent with the requirements of Article 22 (1) (b) (i) of the Planning and Development Regulations, 2001-2018.
- 7.2.3. Should permission be granted, for the proposed development, the requirements of the conditions attached to the prior grant of permission under P. A. Reg. Ref. 17/93 would be applicable, subject to an appropriate condition being attached providing for the amendments and additions proposed in the current application if they are authorised. In view of the foregoing, it is considered reasonable to proceed with the assessment and determination of the appeal, without prejudice to any possible future legal proceedings.

### 7.3. **Archaeological heritage.**

- 7.3.1. The archaeological significance of Glenlo Abbey, a recorded monument is not disputed by the parties. The contentions as to commencement of site investigative works without a prior license and consent of the National Monuments service is a matter which can be brought to the attention of the planning authority and the National Monuments Service. The current application is primarily for modifications to the previously permitted development under P. A. 17/93 most of which are over ground floor development. The site has previously been subject to significant

disturbance and earth works whereas in the case of the current application, no significant additional major earth works appear to be necessary.

7.3.2. The written statement by Ms Anne Carey among the application documentation as to her appointment to undertake the works required under Condition No 8 of the grant of permission under P. A. Reg. Ref. 17/93 and her undertaking to monitor excavation works is noted.

7.3.3. It is appropriate that the applicant be subject to the requirements of Condition No 8 attached to the grant of permission under P. A. 17/93 should permission be granted.

#### 7.4. **Architectural Heritage.**

7.4.1. The development proposed in the current application comprises a relatively minor additions and alterations to the permitted development. The existing hotel block to the side and rear of the house has been extended on the 1980s and again. The permitted development under P. A. Reg. Ref. 17/93 is a third addition to which the four-bedroom extension included in the current application is to be added. There is no objection to the proposed additional extension, subject to the use of similar external finishes features, to the proposed alterations to the internal layout in the application the proposed elevation changes at ground floor glazing and and terrace gardens or the omission of the first-floor extension at the Pavilion building. The development subject of the current application would be relatively immaterial in terms of impact on architectural heritage relative to the previously permitted development.

#### 7.5. **Carparking**

7.5.1. The applicant has demonstrated in the application and the response to the appeal submissions that the changes to parking provision attributable to the proposed alterations, omissions and additions to the permitted development under P A. Reg. Ref. 17/93 having regard to the standards in Table 13.5 of the CDP are relatively marginal. It is considered that the applicant made a satisfactory case to the planning authority in connection with the proper application under P. A. 17/93 with references to coach parties and dual use. There is no objection to the minor short fall in total parking provision of 6.8 spaces which has been calculated in the application submission.

## **7.6. Development Contributions**

- 7.6.1. The appellant's contentions are not considered relevant to the appeal in that development contributions are a matter for the planning authority.

## **7.7. Environmental Impact Assessment Screening.**

- 7.7.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **7.8. Appropriate Assessment Screening.**

- 7.8.1. The application was accompanied by a screening report prepared by McCarthy Keville O'Sullivan which has been consulted for the purposes of the assessment.
- 7.8.2. The site location is approximately three hundred and fifty metres to the east of the the Loch Corrib SAC (Site Code 00297), and Lough Corrib SPA (4042). The Inner Galway Bay SPA (4031) is approximately 4.6 km to the south and the Galway Bay Complex SAC (0286) is circa four kilometres to the south.
- 7.8.3. There is ditch between the Glenlo Abbey lands which is a direct source pathway link with the Lough Corrib SPA and SAC but it does not support significant water flows. The Glen Abbey development is connected to the public sewage system to discharge is via a pumping system supported by back up pumps an overflow tank and a reserve power generation. The increase in intensity of development incorporated in the current proposal is insignificant in addition to and in conjunction with existing development and concurrent development proposals at Glenlo Abbey.
- 7.8.4. It can be concluded, owing to the scale and nature of the proposed development that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

Given the foregoing it is recommended that the planning authority decision be upheld, and that permission be granted. Draft reasons and considerations and conditions follow.

## 9.0 Reasons and Considerations

Having regard to the existing permitted development, to the limited extent of the proposed development and to the scale, design and form of the proposed alterations and extensions, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would materially affect the fabric and integrity of possible archaeological material or the integrity, character and setting of protected structures, would be acceptable of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out in accordance with Condition Nos attached to the grant of permission under P.A. Reg. Ref. 17/93 (PL 248915) except as amended to conform with the provisos ideated on the plans and particulars lodged in connection with the application

**Reason:** To ensure consistency with the development as previously permitted and, with the following condition.



2. The external finishes shall match those of the existing extensions in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenities of the existing and permitted development.

**Jane Dennehy**  
**Senior Planning Inspector**  
**23<sup>rd</sup> November, 2018.**