



An  
Bord  
Pleanála

## Inspector's Report ABP-302492-18

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<b>Development</b>	Permission to demolish existing derelict dwelling and erect fully serviced two storey dental surgery connected to existing services and all ancillary works
<b>Location</b>	24, College Street, Co Cavan
<b>Planning Authority</b>	Cavan County Council
<b>Planning Authority Reg. Ref.</b>	18273
<b>Applicant(s)</b>	Andrew Vickerman
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Andrew Vickerman
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> November 2018
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.024ha is located on College Street in Cavan Town, a designated Regional Road (R212) which connects Clones to the N55/N3 junction. The existing unoccupied building is a two storey and of terrace, pitched roof building similar in scale and elevational treatment to those of the older adjoining properties at this location. College Street is characterised as a mix of commercial / medical and residential use with more recent higher density mix use developments located further south. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file.

## 2.0 Proposed Development

2.1. The application submitted to Cavan County Council on 29<sup>th</sup> June 2018 sought permission for the demolition of the existing derelict dwelling (51 sqm) and erection of a fully serviced two storey dental surgery (152.8 sqm) connected to existing services and all ancillary works.

2.2. The application was accompanied by the following:

- Architectural Design Statement
- Building / Structural Survey of the Existing Dwelling.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Cavan County Council issued a notification of decision to refuse permission for the following 2 no reasons:

- 1) *Having regard to the location for the existing building within an existing streetscape, part of the historic urban fabric of Cavan Town, it is considered that the proposal to demolish the existing building and replace with a new contemporary building is contrary to the objectives of Cavan*

*Town & Environs Development Plan 2014 – 2020 which seeks the retention, rehabilitation and reuse of older buildings that are not Protected Structures and to protect historic fabric through conservation and preservation. The proposed development would be contrary to Objectives OB02 and TC003 of the Cavan Town and Environs Development Plan 2014 – 2020, have an adverse impact on the visual amenities of the area, set an undesirable precedent for future development of that kind and would be contrary to the proposed planning and sustainable development of the area.*

*2) Having regard to the scale, size and design of the proposed replacement building at this end of terrace location, it is considered that the proposal would detract from the aesthetic and visual amenity of the existing streetscape and would be contrary to the proper planning and sustainable development of the area.*

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

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

3.2.2. The **Case Planner** recommended that permission be refused for 2 no reasons (demolition / loss of existing structure and visual impact). Both reasons are identical to the previous decision to refuse on this site (Reg Ref 17/513 refers – see below). The notification of decision to refuse permission issued by Cavan County Council reflects this recommendation

#### **3.2.3. Other Technical Reports**

3.2.4. There are no other technical reports recorded on the appeal file.

### **3.3. Prescribed Bodies**

3.3.1. **Irish Water** – No objection.

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

3.4.1. There are no observations recorded on the planning file.

## 4.0 Planning History

4.1. There was a previous planning application on this site that may be summarised as follows:

**Reg Ref 17/513** – In May 2018 Cavan County Council refused permission for a scheme virtually identical to that currently before the Board for the same 2 no reasons. This previous application sought permission for the demolition of the existing derelict dwelling and erection of a fully serviced two storey dental surgery connected to existing services and all ancillary works for the following two reasons:

- 1) *Having regard to the location for the existing building within an existing streetscape, part of the historic urban fabric of Cavan Town, it is considered that the proposal to demolish the existing building and replace with a new contemporary building is contrary to the objectives of Cavan Town & Environs Development Plan 2014 – 2020 which seeks the retention, rehabilitation and reuse of older buildings that are not Protected Structures and to protect historic fabric through conservation and preservation. The proposed development would be contrary to Objectives OB02 and TC003 of the Cavan Town and Environs Development Plan 2014 – 2020, have an adverse impact on the visual amenities of the area, set an undesirable precedent for future development of that kind and would be contrary to the proposed planning and sustainable development of the area.*
- 2) *Having regard to the scale, size and design of the proposed replacement building at this end of terrace location, it is considered that the proposal would detract from the aesthetic and visual amenity of the existing streetscape and would be contrary to the proper planning and sustainable development of the area.*

## 5.0 Policy Context

### 5.1. Development Plan

5.2. The appeal site is located within the Cavan County Development Plan 2014 – 2020 and is zoned “Town Centre” where the objective is *to protect and enhance the*

*special the special physical and social character of Cavan Town Centre while providing and / or improving town centre facilities. Policies and objectives relevant to this appeal are set out as follows:*

**OB-01** – *To encourage the retention of original windows, doors, renders, roof coverings and other significant features and fabrics of historic buildings, whether protected or not.*

**OB-02** – *To encourage the retention, rehabilitation and reuse of older buildings that are not Protected Structures in recognition of their contribution both individually and collectively to the unique character, heritage and identity of local area and the County.*

**OB-03** – *To seek the retention of original and early fabric of older buildings, including windows, doors, roof materials, glazing and render of external finishes. The Planning Authority will encourage the reinstatement of known original or early features where possible.*

**TC-03** – *Protect historic fabric through conservation, preservation and redevelopment.*

### 5.3. Natural Heritage Designations

5.3.1. The site is not located within a designated Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The third party appeal has been prepared and submitted by Michael Fitzpatrick Architects on behalf of the applicant, Andrew Vickerman and may be summarised as follows:

- **Objectives** - Reference is made to Objective OB-02 and TC-03. It is submitted that these objectives state that the existing building should be retained and reused as it is considered to contribute to the existing character and historic fabric of the area. It is submitted that the existing buildings is not appropriate for retention.

- **Existing Structure** - The building survey found that the building was in a state of dereliction, the structural integrity had failed, it could not be reused and that there was a need for a complete demolition and redevelopment of the existing building for reasons of water damage, rotten timber roof and floor elements, mortar deterioration and stone / brick erosion.
- **Existing Size & Scale** – The size and scale of the building makes it unsuitable for redevelopment / conversion. Detailed figures provided with reference to the Technical Guidance and Standards. A rear extension would not be possible based on the location of the property, proximity to adjoining properties and topography.
- **Visual Amenity** – Reference is made to a recently built residential development and a recently built mixed use block which incorporates retail, office and apartments located to the south east of the site together with the 20 no two storey terrace type dwellings immediately to the south east. Submitted that a precedent has already been set which is in keeping with the proposed development.
- **Conclusion** – Based on the findings from the structural survey, dimensions of the existing dwellings and location of the site it is submitted that the existing dwelling would not be suitable to accommodate the change of use to a dental surgery and should be demolished. Further, a precedent has previously been set in the area for a contemporary design. The proposed development would not detract from the aesthetic and visual amenity of the existing streetscape.

## 6.2. Planning Authority Response

- 6.2.1. Cavan County Council in their submission refers to Objective I, OB-01, OB-02, OB-03 and TC-03. Noted that the objectives seek to “encourage” retention and conservation in any proposed re-development scheme. It is stated that these policies are not prescriptive in terms of conservation of older buildings such as would be required for Protected Structures and whilst it is acknowledged that the existing buildings is in a poor condition, the proposed makes no attempt to re-design with consideration given to the existing streetscape.

### 6.3. Observations

6.3.1. There are no observations recorded on the appeal file.

### 6.4. Further Responses

6.4.1. There are no further responses recorded on the appeal file.

## 7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Demolition
- Visual Amenity
- Other Issues

## 8.0 Principle

8.1. Under the provision of the Cavan Town and Environs 2014 -2020 the site is zoned "Town Centre" where the objective is *to protect and enhance the special the special physical and social character of Cavan Town Centre while providing and / or improving town centre facilities*. Under this objective a dental use is acceptable in principle. It was further noted on day of site inspection that there is a proliferation of medical uses (dental surgery, medical practise and consultants rooms) along College Street.

8.2. Having regard to the zoning objective for the site together with permissible uses in the area I am satisfied that the principle of the proposed development comprising construction of a dental surgery is acceptable at this location subject to compliance, with the relevant policies, standards and requirements set out in plan.



## 9.0 Demolition

- 9.1. The applicant seeks permission for the demolition of the existing derelict dwelling (51 sqm). Cavan County Council in its first reason for refusal state that the scheme is contrary to contrary to the objectives of Cavan Town & Environs Development Plan 2014 – 2020 which seeks the retention, rehabilitation and reuse of older buildings that are not Protected Structures and to protect historic fabric through conservation and preservation and also contrary to Objectives OB02 and TC003.
- 9.2. The existing dwelling is not listed as a Protected Structure or listed in the National Inventory of Architectural Heritage. However the Case Planner considers that the streetscape is worthy of protection and that demolition of this building and replacement with a flat roof buildings is not in keeping with the streetscape and would be visually detrimental to same.
- 9.3. A detailed structural survey of the existing building was submitted with the planning application; the Building / Structural Survey of the Existing Dwelling Report refers. This survey concluded that:
- The main part of the roof and first floor timber elements are completely rotten and have dropped significantly
  - Significant vegetation overgrowth around the structure are evidence of long exposure to weather and rain
  - Water damage to internal walls showing swollen and badly disintegrated old traditional brick work
  - Advanced stage of mortar deterioration and stone/work erosion
  - Corrugated iron roofing sheet with roof timber dry rot and some significant cracks on the stone wall
  - Chimney stack in poor repair with signs of disintegration and decay
- 9.4. Many of these findings were observed on day of site inspection. Overall I agree with the applicant's position that the building is in a state of dereliction and that its structural integrity is poor. Accordingly I am satisfied that demolition can be justified on structural grounds alone. However, Objectives OB02 and TC003 clearly seek to encourage the rehabilitation and reuse of older buildings while protecting the historic fabric of the town.

9.5. As set out previously the building to be demolished is not listed on the record of protected structures and is not located within any designated conservation area in the current Development Plan. While the existing building terminates a terrace of similar two storey pitched roof structures in terms of style and scale it does not in my view have any distinctive architectural merits and does not contribute significantly to the immediate or wider area in terms of visual amenity, character, or accommodation type. Overall I am satisfied based on the information provided with the application and the appeal together with my site inspection that the demolition of this building would not be of such an impact as to justify a refusal in this instance. Accordingly there is objection to the proposed demolition of this building.

## 10.0 Visual Amenity

10.1. Following on from the demolition the applicant seeks permission for construction of a fully serviced two storey dental surgery (152.8 sqm). Cavan County Council in their second reason for refusal stated that the scale, size and design of the proposed replacement building at this end of terrace location, would detract from the aesthetic and visual amenity of the existing streetscape.

10.2. College Street is characterised by what appears to be arbitrary architectural interventions that bear in some cases no relationship to the immediate area or context. I refer in particular to the two large mixed uses schemes and residential blocks of development further south along College Street (site photos refer). Unlike these schemes it is my view that the scheme now before the Board has had particular regard to the sites nuances and their design response to the southern corner elevation that is visible on approach from the south reflects this. Overall I consider that the scheme in terms of design, scale, height and elevational treatment will make a positive contribution to the streetscape and provide an appropriate architectural link between the newer terrace of buildings to the south with the older established streetscape to the north.

## 11.0 Other Issues

11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the demolition of an existing building and the construction

of a two storey dental surgery, within an established urban area, and its distance 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.

- 11.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the demolition of an existing building and the construction of a two storey dental surgery in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 11.3. **Archaeology** – The site is within a archaeological zoning of the historic town of Cavan and therefore re-development requires archaeological monitoring. I am satisfied that this matter can be dealt with by suitable worded condition whereby the developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site.
- 11.4. **Development Contributions** – Cavan County Council has adopted a Development Contribution scheme; Cavan County Council Development Contribution Scheme 2017 – 2020, under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 11.5. Further to the application of a development contribution, regard is required to Section 4.2 of the scheme whereby the proposed development may fall under the reduced rates listed in Section 4.2(b) (redevelopment projects) and (c) (previous payment of contribution) and may therefore be applicable. However this is a matter for Cavan County Council in the first instance.

## 12.0 Recommendation

- 12.1. It is recommended that permission be **GRANTED** for the reasons and considerations set out below.

## 13.0 Reasons and Considerations

13.1. Having regard to the zoning objective for the site as set out in the Cavan Town and Environs 2014 – 2020 to the design, layout and location of the proposed development and to the pattern of development in the area, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

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

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

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

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

6. 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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Mary Crowley,**  
**Senior Planning Inspector,**  
**19<sup>th</sup> November 2018**