



An
Bord
Pleanála

Inspector's Report ABP-303396-19

Development	4 no. Houses
Location	Main Street, Enniscrone, Co Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	18322
Applicant(s)	Patrick & Lorraine Kilcullen.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Thomas McNulty
Observer(s)	None
Date of Site Inspection	11 th March 2019.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site, which has an overall area of 0.059 hectares is an irregular shape and tapers in from north to south. The site comprises a single storey derelict dwelling dating from 1810-1830 which was previously a Protected Structure and a single storey outbuilding located within the rear garden. The dwelling, which directly abuts a two-storey disused public house, is located on the main street of Enniscrone directly east of the Church of Our Lady Assumed into Heaven.
- 1.2. The site is bounded by a 1-1.2 metre block wall to the public road and a c 1.8 metre stone wall to the west and a 2-metre block wall to the east. A timber rail fence delineates the boundary to the south with the parochial house.
- 1.3. The site is visible from both the public road and the church grounds and is currently overgrown. The dwelling is in a state of dilapidation with Sections of the roof open to rafters.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of existing dwelling
 - Construction of 4 no. two storey dwelling houses

3.0 Planning Authority Decision

3.1. Decision

Permission was granted with standard conditions. Of relevance is the following:

- Condition no. 6 – restricts the use of the two front apartments to short term tourist accommodation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Additional information was requested by the Council in relation to the following:

- The original proposal was considered to be an overdevelopment of the site in relation to the following:
 - density,
 - proximity to site boundaries,
 - Lack of private open space
 - Lack of carparking.

The applicants responded to all items of the further information request and submitted revised plans which were granted by the planning authority.

These revised plans reduced the overall number of units from 3 to 4 by replacing unit no. 4 with open space. A revised parking layout was also indicated on these revised plans, which proposed parallel parking spaces along the front boundary of the appeal site.

3.2.2. Other Technical Reports

- Area Engineer – further information requested in relation to car parking, footpath alignment and public lighting.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

One third party observation was received which was from the appellant. The issues raised are as set out within the grounds of appeal. A number of other issues were raised as follows, these issues were addressed within the further information response provided by the applicant.

- Boundary query
- Inadequate parking
- Overlooking
- Provision of holiday homes does not address housing shortage.
- Lack of mix of uses.

4.0 Planning History

There is no recently recorded history on the appeal site. The following is of relevance:

071055 Permission was **granted** for the demolition of the existing Castle Arms Hotel and the construction of a residential development.

5.0 Policy and Context

5.1. Development Plan

Sligo Development Plan 2017-2023

The proposed development is located within an area zoned MIX - mixed uses which seeks 'to promote the development of a dynamic mix of uses able to create and sustain viable village centres. Commercial (including retail), residential, leisure, community, office and suitable enterprise uses are encouraged in the village centres, as well as high-amenity open space'

- 5.6.2 Derelict houses
- Section 12.1 Historical Streetscapes
- Section 13.2.1 – Building lines
- Section 13.2.2 - Impact of development on its surroundings
- Section 13.2.3 - Impact on architectural heritage
- Section 13.3 - Residential development in urban areas
- Section 13.3.1 - Multi-unit housing schemes
- Section 13.3.7 - Private open space
- Table 13. C Car parking standards

Enniscrone Local Area Plan 2014-2020

- Section 5.3.5 – Design of Residential Standards
- Section 5.3.6 – Residential densities
- Objective TCO-3 - Roads

- Policy P-BH-3 – Encourage reuse of buildings
- Policy P-BH-7 - Promote the principles of contextual compatibility for all new buildings within the historic built environment
- Policy P-BH-11 Generally maintain a continuous building line along streetscapes
- Policy P-BH-15 Support the visual attractiveness of the county by encouraging owners of derelict sites/ buildings to develop

Project Ireland National Planning Framework 2040

- Section 1.2 Making the vision a reality
- Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

The Killala Bay / Moy Estuary SAC and SPA is located c. 207 and 271 metres to the west of the appeal site.

5.3. EIA Screening

- 5.4. There is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

- Query in relation to process of delisting building
- Cottage is an important part of heritage and traditional townscape.
- Development is out of keeping with character of area which is contrary to the development plan.
- Sligo Development Plan states that demolition will only be considered in exceptional circumstances, and car parking shall be located to the rear of buildings which is not the case with the proposed development.

- Proposed development will result in 70% of cottage being demolished and remaining element left will be out of proportion with new development.
- It is proposed to knock boundary wall with church, this is stated to be a burial site.

6.2. Applicant Response

- The mixed-use zoning which the appeal site is subject to aims to promote a dynamic mix of uses able to create and sustain viable village centres.
- A public realm plan will be prepared for Enniscrone in which a shared surface will be provided at either side of the church site.
- Existing street scape consists of two storey buildings set back from the public road with gardens and parking in front of commercial buildings.
- Set back of church allows uninterrupted views of rear of Castle Arms Hotel, the buildings present detract from the streetscape.
- Design of proposed development is intended to reflect the scale and form of existing streetscape. Proposed front building will be set back from the road similar to existing buildings in the vicinity.
- Front boundary wall of unit 1 and the units to the rear will reinforce the square that is the public realm and hide the existing industrial type structures to the rear of the Castle Arms Hotel.
- The provision of a speed table to the front of the site as per objective TCO-3 and TCO-4 of the Enniscrone LAP will ensure a safe shared surface for vehicles and pedestrians.
- Short term let, and permanent residential use, provide a mix of uses for this underutilised site and will create an attractive urban residential space.
- Design of the proposed buildings is contemporary and in keeping with the design of the church.
- Density of development is appropriate to town centre location.
- Party wall will not be demolished as part of the appeal.

- Proposed development will not adversely impact on the appellants use or enjoyment of his property. -

6.3. **Planning Authority Response**

- No comment.

6.4. **Observations**

- None

7.0 **Assessment**

7.1. The proposed development is located within an area zoned MIX - mixed uses which seeks 'to promote the development of a dynamic mix of uses able to create and sustain viable village centres. Commercial (including retail), residential, leisure, community, office and suitable enterprise uses are encouraged in the village centres, as well as high-amenity open space'. The principle of residential development is accepted within this zoning objective. The main issues in this appeal are those which are raised within the grounds of appeal in addition to Appropriate Assessment requirements. I am satisfied that no other substantial issues arise. The main planning issues are as follows:

- Delisting of Protected Structure
- Impact on character of streetscape & adjacent property
- Demolition is contrary to Development Plan policy
- Car parking
- Appropriate Assessment
- Other matters

7.2. It is important to point out at the outset that as a result of a further information request by the Council, unit no. 4 was omitted from the scheme. The following assessment will therefore be based on the final approved plans which permits 3 no. units and associated open space and on street car parking.

Delisting of Protected Structure

7.3. It is contended by the appellant that he was unaware that the proposed dwelling for demolition had been delisted from the Record of Protected Structures. It is of note that the existing dwelling on site was delisted under the review of the Sligo County Development Plan 2001-2017. The removal of this property was included within the Modifications to the Record of Protected Structures for the current Sligo County Development Plan, 2017-2023 which came into effect from the 28th August 2017. The advertisement procedures relating to the Development Plan review are not a matter for the Board to adjudicate on and I am satisfied based on the information provided within the Sligo County Development Plan 2017-2023 that the existing single storey dwelling present on the appeal site is no longer a Protected Structure.

Impact on character of streetscape & adjacent property

7.4. Concerns have been raised by the appellant that the proposed building will have a negative impact upon the character of the existing streetscape and the surrounding area and the remaining single storey element of the building adjacent to the main street. The appellant has made reference to a number of Sections of the Sligo County Development Plan in this regard and contends that the proposed development would be contrary to the provisions of the plan in relation to its impact on the streetscape and the visual amenity of the area.

7.5. I noted at the time of site inspection that the existing buildings within the immediate vicinity of the site comprise two storey dwellings and two storey commercial buildings of similar style, scale and design to that proposed. All buildings are set back from the public road to accommodate either parking or garden areas to the front. Some are bounded by low block or render walls which abut the public road and others are open to the public road providing for long stretches of carparking, as is the case within the appellants public house directly opposite the appeal site.

7.6. Section 12.1 of the Sligo Development Plan relates to development within historic streetscapes, it is acknowledged within this Section of the plan that development in such locations should not only provide a heritage and visual value but also contribute to the vitality and economic well being of the towns. The appeal site comprises a derelict structure which is in a bad state of disrepair, the merits and architectural significance of this building are unremarkable as per the modifications of the Record of Protected Structures. Of note however is the single storey porch within the front of the building. Whilst this is a feature of some significance I do not consider it of

sufficient value so as to ignore the lack of contribution that the site currently makes to the vitality and economic value of the town.

- 7.7. The appeal site is located in a highly visual location, directly adjacent to the Church and the associated grounds which are open and visible from the main street. The current situation within the appeal site detracts significantly from the visual aspect of this part of the town and provides no addition to the vitality or economic viability of the town. I therefore consider that as per Section 12.1 of the Sligo Development Plan, the redevelopment of this site is warranted.
- 7.8. Section 13.2.4 requires new buildings within historic streetscapes, to respect the scale and rhythm of the existing streetscape and maintain the traditional plot width. The proposed two storey building identified as unit 1, is of traditional design similar to existing buildings in the vicinity. The scale and proportions of this element of the proposal is reflective of current traditional development along this street and will make a positive contribution to the overall quality of the area. This element of the development incorporates traditional features such as sash windows and a fan light front door. The height of the structure is in line with existing development and whilst I acknowledge the concerns of the appellant in relation to the increase in height relative to the remaining single storey element of the adjacent Castle Arms Hotel building, I do not consider the impact to be significant. As aforementioned the proposed development will have a positive contribution to the streetscape at this location.
- 7.9. It is of importance to note that infill development at locations such as the appeal site supports the notion of compact growth which is significantly supported by the policies of the National Planning Framework in which it is an objective to deliver at least 40% of all new housing within the existing built up areas of town and villages.
- 7.10. Enniscrone is identified within the Sligo County Development Plan as a key support town within the County. Section 3.2.3 of the development plan describes key towns as urban centres able to sustain the County's social and economic development outside Sligo City. In addition to its position in the settlement hierarchy, Enniscrone has a regionally-significant special tourism function. The development plan seeks to encourage the development of this function of the town.

7.11. The policy position of the Council therefore, compliments and dovetails with that of the National Planning Framework in which it is recognised that an increase in the proportion of more compact forms of growth in the development of settlements of all sizes, has the potential to make a transformational difference. It can bring new life and footfall, contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less. The proposed development provides both permanent residential development and tourism related facilities in a town centre location via the reuse of an existing brownfield site which currently contributes nothing to either the vitality or viability of the town or the visual amenities of the streetscape. As such and having regard to the foregoing I consider the proposed development to be acceptable with regard to its impact on the streetscape and character of the area and character on the adjacent disused property.

Demolition is contrary to Development Plan policy

7.12. It is contended within the grounds of appeal that the demolition of the existing structure on site is contrary to the provisions of the development plan. Section 5.6.2 of the Sligo Development Plan 2017-2023 sets out the policies in relation to the demolition of derelict dwellings, it is of note that the policy position set out within this Section relates to dwellings in the rural area and settlement greenbelts.

7.13. The Enniscrone Local Area Plan 2014-2020 under policy P-BH-3 encourages the reuse of older buildings but does not preclude them from demolition, this policy position is further bolstered by policy P-BH-15 in which the Council seeks to support the redevelopment of derelict sites in the town, and recommends that owners of such site should be sought out.

7.14. Overall the Sligo development Plan and the Enniscrone Local Area Plan seek in the first instance to refurbish existing derelict structures, and as per policy ARP-3 the redevelopment of derelict structures should be actively encouraged where structures make a positive contribution to the streetscape.

7.15. I note within the modifications to the Record of Protected Structures that the existing dwelling was described as not rated. The structure is a single storey cottage in a bad state of disrepair. The only feature of note is the front porch of the building and whilst

it is of its time, this alone is not of sufficient importance to warrant the retention of the building. At present the site does not contribute to the streetscape in a positive manner and I consider that the proposed development will enhance this part of the town providing for a well-designed active space which will add to both the permanent housing stock and enhance the tourist facilities available within the town.

- 7.16. Having regard to the foregoing I consider the demolition of the existing structure on site to be in accordance with the policies of both the Sligo Development Plan 2017-2023 and the Enniscrone Local Area Plan 2014-2020.

Car parking

- 7.17. It is proposed to provide 3 no. on street car parking spaces. Table 13.C of the Sligo Development Plan outlines the parking standard requirements for such residential developments and requires 2 spaces per dwelling and 1.5 spaces per apartment. In accordance with this Section of the plan, 5 no. spaces are required to serve the development.
- 7.18. I note that the applicant has proposed to pay a financial contribution in relation to the parking deficit and this has been accepted by the council. I consider the quantum of car parking to be adequate within this town centre location. The Sligo County Council Development Contributions Scheme 2018-2024 specifies under Section 9 note 4 that a contribution of €2000 per car parking space will be applied to schemes where there is a carparking shortfall. A total of €4,000 will be requested of the applicant by way of condition.
- 7.19. Whilst I have no objection to the provision of parallel parking adjacent to the public road, I note the proposed car parking appears to encroach onto the public road. The encroachment of this development onto the public road is not acceptable. If the Board are of a mind to grant permission, I recommend that a condition is imposed which seeks revised plans showing a car parking layout which does not conflict with or encroach onto the public road. The details of which shall be agreed with the planning authority.

Appropriate Assessment

- 7.20. As mentioned above the Killala Bay / Moy Estuary SAC and SPA are located to the west of the appeal site. The site is located in a serviced built up area of Enniscrone and there is a significant level of development present between the appeal site and

these protected sites. The proposed development is located within an existing brownfield site and construction will be contained within the appeal site and will not impact on either the SAC or SPA.

- 7.21. As such, having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

Other matters

- 7.22. It is of note that a condition has been imposed on the planning permission by the Council which refers to the requirement of a Bat survey prior to the commencement of development. No reference or justification has been made in relation to the requirement of this survey. I did not have reason to believe that there were bats present within the existing building at the time of my site inspection. I do not consider that this condition is reasonable. In the absence of any reasoning given by the Council to justify such a condition and, taking into account my findings at the time of my site inspection I do not consider that this condition is required in this instance.

8.0 Recommendation

- 8.1. I recommend that permission is granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Sligo County Development Plan 2017-2023 and the Enniscrone Local Area Plan 2014-2020, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: In the interest of public health

4. The two apartment units to the rear of the dwelling identified as unit 2 and unit 3 on drawing no. 807-PL-03, shall be exclusively for short-term tourist accommodation. No long-term renting or permanent residential occupation of these units shall be permitted.

Reason: In the interest of orderly development.

5. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, revised plans showing a car parking layout that does not conflict with or encroach onto the public road.

Reason: In the interest of public safety and orderly development.

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

Reason: In the interests of public safety and residential amenity

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.

8. The developer shall pay a sum of money to the planning authority as a contribution towards the expenditure that is proposed to be incurred by the planning authority in respect of carparking facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Payment of this contribution is subject to the provisions of section 26(2) (h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

Sarah Lynch
Planning Inspector

12th April 2019