



An
Bord
Pleanála

Inspector's Report ABP-307213-20.

Development	ABP-307213-20.
Location	Retention of the change of use of outbuildings to 3 no. apartments (protected structure)
Planning Authority	Sligo County Council.
Planning Authority Reg. Ref.	19/268.
Applicant	Patrick & Emily Quinn.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Transport Infrastructure Ireland.
Observer	None.
Date of Site Inspection	14 th July 2020
Inspector	Philip Davis

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1.0 Introduction

This appeal is by Transport Infrastructure Ireland against the decision by the planning to grant permission for the retention of three holiday apartments in the annex to a protected structure – Mountshannon House. The original application included a new access to a road to the north, but this was deleted in a subsequent revision. The appeal relates solely to traffic matters.

2.0 Site Location and Description

2.1. Mountshannon House

Mountshannon House is a fine country house with grounds located in the townland of Shannon Eighter, just over 1km due north from Sligo Town. The house and grounds are on the eastern side of the N15 national road north of the town in gently rolling countryside at the outer fringes of the urban area. The house is accessed off a long avenue from the N15. It is a three bay 2-storey over basement structure dating from around 1820, with extensive outbuildings – the main gable of the house faces the south-west, with views over Sligo Bay. The house is still apparently occupied by a single family, but surrounding outbuildings have apparently been largely converted to apartments with significant carparking in the courtyard and to east of the main house.

3.0 Proposed Development

The proposed development is described on the site notice as for the retention of development consisting of the change of use and conversion of former outbuildings to 2 no. apartments, retention for 1 no. apartment on first floor extension over existing outbuilding and for the enhancement of existing entrance and construction of a new road and all associated site works. The works are within a protected structure.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 4 no. generally standard conditions, including a development contribution.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The planning history is noted and summarised. It is indicated that the site is zoned existing MIX1 in the Sligo & Environs Development Plan 2012-2016, which is considered to be an active part of the Sligo CDP 2017-2023.
- Summarised comments of proscribed bodies, with **Irish Water** confirming that a connection for the foul sewer can be made. **An Taisce** recommends enhanced landscaping.
- Concerns outlined at sight lines at the entrance onto the N15.
- The proposed development was screened for AA and EIAR – due to the small scale and absence of sensitive receptors, neither were required.
- Noted Architectural Impact Assessment submitted by the applicant.
- A request for further information was made regarding access details and future proposals for the building.
- Following the submission of further information (which included the deletion of the new road access to the north-east), the application was considered acceptable and a recommendation for a grant of permission was made.

4.2.2. Other Technical Reports

No memo on file, but the planning report indicated that the **Area Engineer** had no objection to the revised details following the submission of further information.

Roads Design – it is considered that the proposed new entrance will not impact on the capacity of the N15.

No objection from **Water Services** or **Environment**.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland referred the planning authority to national guidance on access to national roads.

An Taisce requested conditions to plant more trees along the main access.

4.4. **Third Party Observations**

None

5.0 **Planning History**

In 2008, a large scale scheme for residential use on the lands was refused (**PL08/328**).

In 2006, permission was granted for a single story conservatory (**PL06/1139**).

In 2018 permission was refused for the retention of 2 no. apartments and signposting (**PL18/618**), and permission was refused to convert a store to residential use (**PL18/416**).

6.0 **Policy Context**

6.1. **Development Plan**

The site is zoned 'MIX1' (residential and other mixed uses) and as being within the bounds of Sligo Town in the Sligo & Environs Development Plan 2012-2016, which is considered to be an active part of the Sligo CDP 2017-2023. It is stated that an LAP is pending for the lands. There are relevant policies on protected structures and residential amenity. Policy P-NR1 relates to access to national roads.

6.2. **Natural Heritage Designations**

The site and associated lands are undesignated. Two overlapping Natura 2000 sites are within 1 km – both cover the shoreline and mudflats of Sligo bay – **Cummeen Strand SPA** (004035) and **Cummeen Strand/Drumcliff Bay SAC** (000627). These

are within 1km to the west of the site. **Lough Gill SAC** (001976) is to the south and south-west of the site, just over 2 km distance.

7.0 The Appeal

7.1. Grounds of Appeal

Transport Infrastructure Ireland appealed the decision on traffic grounds. The key points are as follows:

- The N15 is considered an important national road for the north-west region and is part of the EU TEN-T comprehensive network.
- It is noted that the decision of the planning authority omits the alternative access originally proposed with the result that the apartments require a direct link to the N15.
- It is considered that the proposed development has the potential to compromise the safety and efficiency of the national road network at a location where the 100kph speed limit applies.
- It is considered that any additional traffic on existing accesses to national roads in such situations are potentially hazardous.
- It is submitted that the planning authority did not take full account of national and development plan policy (specifically Policy P-NR-1) with regard to protecting the carrying capacity of national roads. It is considered that there is no exceptional circumstance to justify granting additional residential use.
- It is considered that the proposed development sets an undesirable precedent for further such residential uses along the national network.
- The need to protect public investment in road capacity is emphasised.

7.2. Applicant Response

- It is emphasised that the proposed uses are within an existing building with an existing wide access onto the road.

- It is noted that the area is zoned for residential and mixed use, and that it is indicated in the Plan that *'the North Fringe are will be capable of accommodating up to 3,200 people in circa 1,300 new residential uses'*.
- It is noted that it was originally proposed to create a new access, but this was withdrawn following further information submissions following discussion with the planning authority.

7.3. Planning Authority Response

The reply from the planning authority was submitted to the Board outside the statutory period and so is not on file.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that this appeal can be addressed under the following headings:

- **Preliminary issues**
- **Principle of development**
- **Traffic safety and road capacity**
- **Building conservation**
- **Residential Amenity**
- **Appropriate Assessment**
- **Other issues.**

8.1. Preliminary issues

The original application was submitted with an access road running north-east to connect with the L road running west to east in Shannon Oughter townland. This was withdrawn during the further information period, and the proposed access is now via the existing main road into the main house. For the purposes of this appeal, I will address the application on the basis of the access being through the main avenue to the N15 access, but the Board will note the possibility of reverting to the original scheme by condition.

8.2. Principle of Development

The site is within the area of the Sligo and Environs Plan (SEDP), which was extended through in incorporation into the Sligo County Development Plan 2017-2023. This states that the policies and objectives of the SEDP will continue to apply until the adoption of an LAP for Sligo and its Environs.

The site is zoned 'MIX1 – 'mixed uses (non-retail)', with an objective '*to promote the development of a dynamic mix of uses able to create and sustain vibrant residential and employment areas. Commercial (non-retail), residential, leisure, employment enterprise uses are encouraged by this zoning*' and is indicated as part of a '*strategic land reserve*' (Section 4.4.6 of the Plan) for Sligo Town.

The apartments are within the outbuildings of an early 19th Century building, a protected structure. As the structure and associated roads are long established, I would consider the use of the buildings for residential use to be consistent with development plan policy and general national and regional policy for residential uses, subject to policies on traffic and historic structures, etc.

I therefore conclude that the use of existing outbuildings for residential use is acceptable in principle subject to traffic, conservation, amenity, and related issues.

8.3. Traffic safety and road capacity.

The original application proposed a new private access to the L-road to the north, but this was withdrawn following consultation with the Council. This minor road to the north and east is typical of such rural fringe areas, with a number of houses and other uses along a very substandard road lacking even a basic footpath. I would consider any additional loading on this minor road to be unacceptable without a significant upgrade of this road, and so I would concur with the planning authority that this was not appropriate.

The current proposal is to use the main access and the avenue to Mountshannon House – although the gates do not appear to be contemporary with the main house, this access is long established, but at a point where the road has been widened, with two lanes going north, and one to the south – there is just an intermittent and narrow hard shoulder. A footpath extending to the town commences about 50 metres south of the access. There is active traffic calming further south as the road

enters Sligo Town. The road at this point is 100kph, with relatively good overall sightlines, although there is a distinct curve to the north with heavy vegetation on each side. I would consider the existing access to be generally safe, although sightlines to the north are a little restricted.

Transport Infrastructure Ireland has raised a number of policy issues with regard to the proposed retention. It notes the importance of maintaining free flow on such key national roads (this road is the main link between Donegal and all areas to the south), and the issue of safety – there are indeed a multiplicity of minor accesses onto this road which is an obvious significant hazard.

I would concur with the general point that there is a strong policy presumption against permitting additional accesses and/or traffic onto such national roads, in particular when the access itself is not of the highest standard. Any such developments will represent a hazard, even if minor, and will contribute to the erosion of overall road network capacity. I also note the concerns about the potential for precedent.

However, I would note that special circumstances apply in this appeal. The application is for a change of use of existing structures, and while it may represent a minor intensification of the use of the landholding, its not clear to me that the intensification is all that significant having regard to the size and extent of the property. I further note that it is facilitating historic structures to be maintained in good order. And while it is outside the urban area in terms of speed limit, I note that it is right on the edge of the functional beginning of the town (as indicated by the commencement of footpaths and traffic calming) but is also within an area zoned for further development within the lifespan of the next development plan.

Having regard to the above, I conclude that there are extenuating circumstances that apply in this regard, and that granting permission for the retention of the apartments would not significantly impact on traffic safety or road capacity and would not represent a precedent for other such developments.

8.4. Building Conservation

The apartments are within the outbuildings of Mountshannon House, a protected structure. It is described and appraised as follows in the National Inventory of Architectural Heritage (NIAH):

Description

Detached three-bay two-storey-over-basement stone former mansion, built c. 1820, now in use as private apartments c. 1986. Main house double-pile, three-bay single-storey flat-roofed portico projecting from west elevation, four-bay south elevation, five-bay north elevation with central three bays thrusting forward, parallel outbuilding ranges project from south elevation to east and west sides of yard. Hipped slate roofs, clay ridge and hip tiles, central east-west valley, painted smooth-rendered flat-capped chimneystacks, moulded cast-iron gutters on limestone eaves course on paired limestone corbels projecting from plain frieze. Rubble limestone walling. Square Doric-columned portico on raised pedestal over basement with plain frieze, moulded cornice and square blocks over each column, end bays open, central section infilled to form enclosed porch, approached by steps from south-west. Square-headed window openings, brick dressings, limestone sills, painted six-over-six timber sash windows. Square-headed door openings, varnished six-panel timber door to south side of portico porch, painted vertically-sheeted timber door with three-pane overlight to north elevation. Remains of conservatory to east elevation (blown down in storm c. 1950). Two-storey outbuildings to north yard, pitched artificial slate roofs, rubble limestone and smooth-rendered walling. In wooded setting, approached by driveway from south. Single-storey three-bay gate lodge, hipped slate roof, projecting eaves with hanging enrichments, dry-dashed walling. Gate screen to north of gate lodge, wrought-iron carriage and pedestrian gates, rubble limestone piers with ashlar caps, eagles on central piers, lamps on outer piers c.1990.

Appraisal

This substantial house retains much of its original fabric including rubble stone walling and sash windows. The wide Doric portico is an unusual feature. Census of Ireland 1911 recorded a total of fourteen outbuildings consisting of stable, coach houses, harness room, cow house, dairy, fowl house, barn, turf house, potato house and shed.

A conservation appraisal (Architectural Heritage Impact Assessment) was submitted with the original application and is on file. This was carried out by a suitably accredited conservation architect and I consider it to be in accordance with the relevant guidance. I note that there are a number of minor details of concern, such as the use of concrete rather than mortar pointing and render, but I do not consider these are serious matters as they do not compromise the overall integrity of the buildings.

I am satisfied that the works have not significantly altered those aspects of the building of conservation value, and the use as apartments will contribute to the maintenance of the outbuildings, which are typical of the period and have been well maintained and restored.

An Taisce (in the original application) requested a condition such that additional planting works to the main trees on the entrance avenue. I consider this reasonable and I would recommend that a condition be set to this end.

8.5. Residential amenity

The proposed apartments follow the general layout of the pre-existing outbuildings. The overall layout is attractive, albeit constrained somewhat by the historic fabric. I am satisfied that in terms both of internal amenity and impacts on other residents there is no significant issue with the design and layout.

8.6. Appropriate Assessment

The application was screened out by the planning authority on the basis of the small size and scale of the proposed development. There are two overlapping Natura 2000 sites are within 1 km – both cover the shoreline and mudflats of Sligo bay – Cummeen Strand SPA (004035) and Cummeen Strand/Drumcliff Bay SAC (000627). The boundary for these commences on the opposite side of the main road from Mountshannon House, the boundaries are largely the high tide mark around Sligo Bay and Drumcliff Bay. I note that there is no watercourse in the vicinity of Mountshannon House.

The proposed development is entirely within an existing and long established complex of buildings and does not impact on ground or surface waters or any other

obvious pathways for pollution or other impacts on the coastal habitats, and is otherwise mediated by the busy main road between the site and the coast. There are no potential pathways for pollution to other Natura 2000 sites within 15 km of the appeal site.

Having regard to these matters, and the small scale of the proposed development, no Appropriate Assessment issues arise, and I do not consider 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.

8.7. Other issues

I note that the proposed apartments would be subject to a Section 48 development contribution calculated by the planning authority as €7,236.00. I do not consider that there are any other issues raised in this appeal.

9.0 Recommendation

I recommend that the Board grant permission for the retention of the apartments for the following reasons and considerations, subject to the conditions set out further below.

10.0 Reasons and Considerations

Having regard to:

- a) the existing scale and nature of the outbuildings on this site, which is part of a long established complex of residential buildings and outhouses with an existing highway access to the N15;
- b) The relatively small scale of the proposed residential use;
- c) The quality of the restoration of historic fabric;
- d) the MIX1 zoning designation of the site, which permits residential and other uses
- e) the identification of the site as part of the strategic land reserve for Sligo Town,

- f) the location close to the functional boundary of Sligo Town,

It is not considered that the proposed development would result in a traffic hazard or significantly reduce the capacity of the national road, nor would it set a precedent for further such development. It is considered that the proposed development would not seriously injure the amenities of the area or impact on a protected structure and would otherwise be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the, 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. The proposed apartments shall only be accessed via the existing access to the N15.

Reason: In the interest of clarity.

3. The developer shall enter into water and waste water connection agreements with Irish Water. Details of such agreement shall be submitted for the approval of the planning authority within 6 months of this notice.

Reason: In the interest of public health.

4. Within 6 months of this notice, the applicant shall submit to the planning authority proposals for additional tree planting along the avenue between the main house and the N15. All agreed planting shall be put in place within 12 months of this notice.

Reason: In the interest of amenity.

5. The developer shall pay the sum of €7,236.00 (seven thousand two hundred and thirty-six euro), 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act, 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.

Philip Davis

Senior Planning Inspector

10th December 2020