



An
Bord
Pleanála

Inspector's Report

ABP-309010-20

Development	Change of use of part of existing public house to retail unit, and 1 no. apartment and all ancillary services
Location	21 O'Connell Street , Dungarvan, Co Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20172
Applicant(s)	Lawrence Kelly.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Ben O'Neill
Observer(s)	None
Date of Site Inspection	5 th of February 2021.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in the heart of Dungarvan town along an important commercial street, O'Connell Street at No.s 21 and 22.
- 1.2. The site area is 0.0265 Ha and it fronts O'Connell Street to the south.
- 1.3. It includes a number of buildings, the main building is the two storey element front the site which was formerly a public house.
- 1.4. The building is currently vacant however it is in good condition.

2.0 Proposed Development

- 2.1. The proposed development consists of the change of use of part of existing public house to retail unit, and permission for part of change of use of existing public house to an apartment, including a communal area, internal alterations along with ancillary services.

3.0 Planning Authority Decision

3.1. Decision

Waterford City and County Council granted planning permission for the development subject to standard planning conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The planning authority requested further information on 18/06/2020 stating:-

- Any changes to the existing shopfront need to be included in the application
- The site is on residential zoned lands and requires an exemption form Part V
- Letter from Irish water
- Clarify extent full extent of works to the rear of the building (Toilet block and store to bin storage).

- Correct address of the property.

The applicants responded on 29th of October 2020 stating, the existing shopfront will be maintained and repainted, a letter of exemption from Part V, a reply form Irish water. The existing toilets will not be used therefore it seems a bin storage area is more appropriate, since there are no structural alterations, there is very little work required to make them a bin storage area.

3.2.2. **Other Technical Reports**

Irish Water: Connections to watermains and sewers are feasible without grading the existing infrastructure.

4.0 **Planning History**

4.1 **Planning Reference: 96/510012**

Relates to this site and a rear extension which contains a toilet block and kitchen/store.

4.2 **Section 5:** Change of use from public house to an apartment and change of use from public house to a retail outlet requires planning permission.

5.0 **Policy Context**

5.1. **Development Plan**

Dungarvan Town Development Plan 2012 the site is zoned **Town Centre** with a stated objective to provide for an integrated mix of residential, commercial, community and social uses within the town or village centre.

The site is located outside but boundary the Dungarvan Architectural Conservation Area, and outside of the Zone of Archaeological Potential.

Policy BH 1 – It is the policy of Dungarvan Town Council to protect the built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration.

National Policy

Guidelines for Planning Authorities - Retail Planning, issued by the Department of the Environment, Community and Local Government in April 2012

5.2. **Natural Heritage Designations**

The subject site is:

300metres south west of Colligan River which flows into Dungarvan Harbour Spa , which is 0.28km south of the site;

3.8km south west of Glendine Wood SAC;

6.2km northwest of Helvic to Ballyquin SPA

6.3km north west of Helvic Head SAC.

5.3. **EIA Screening**

Having regard to the planning history of the site, the brownfield nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development.

The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The use of No. 21 has never been used on the property, but the entirety (ground and upper floor) has been known as No. 22 and the previous pub name was 'Doubles' – a part of same was the appellant's property. The adoption of the new street number may conceal the extensive works already undertaken on the upper floors. These include the removal of the chimney flue, increasing the roof height, and the overhang beyond the face of the party gable. The Board is asked to include a condition that the overhang be removed.
- The attached single storey building (attached to No. 22 and to the west and directly behind No. 23 and Part No. 24) which is integral and accessible from

the pub ground floor corridor and is not included in the planning. Is the opening blocked up to comply with Fire Regulations (Aerial photo attached showing location). The photo also shows the discrepancy on the red line boundary of the planning application. The Red line should accurately reflect the boundary of the properties.

- The flat roof at the rear of the front of the structure and as such there should be a permanent containment of this flat roof area, in order to prevent hazard of falling into adjoining property, and to act as a screening to prevent overlooking, in addition to diverting surface water run off.
- The Board is asked to condition a permanent solid secure wall before any other works commence for the sake of safety and privacy.

6.2. Applicant Response

- The address of the property was queried by the Council in the further information. The address 21 O'Connell Street was deemed to be acceptable.
- The site layout plan clearly states the extent of works for planning application in line with the Land Registry Compliant Map.
- The flat roof to the rear will be partly removed to create private open space for the residential sector of the development. The existing toilets serving the public house will be converted to a bin store to service the shop and residential unit.
- The applicant took possession of the property in 2018 and carried out several urgent maintenance works to lesson the impact of the damages caused to the building, and to secure and weather the building, all of which did not require planning permission. There are photographs showing extent of ivy and other overgrowth which damaged the fabric of the building before Mr. Kelly too position and photographed the entire maintenance works.
- The photographs to the front of the building were for a new ESB duct and replacing an old section of footpath.
- Photographs enclosed taken prior to repair and maintenance work.

6.3. Planning Authority Response

There was no further response.

7.0 Assessment

- 7.1 In the Dungarvan Town Development Plan the site is zoned as Town Centre. The existing and long term use of the site has been a public house and residential. The proposed use is a change of use from a public house to a retail use and a residential use on the ground and upper floors of the three-storey building. The proposed development is in keeping with the zoning objective which seeks to encourage residential use with commercial uses in the town centre area. There are shops adjacent to the subject site, and it backs onto a large shopping centre. The proposal is in keeping with Guidelines for Planning Authorities - Retail Planning, issued by the Department of the Environment, Community and Local Government in April 2012
- 7.2 The appellants raised a concern regarding the address given in the public notice of the planning application. The validation process is a matter for the local authority and beyond the remit of the Board. However, I note the planning authority did query this issue in the further information, and it was satisfied that 21 O'Connell Street, correctly identified the subject site.
- 7.3 There are no anomalies regarding the extent of the red boundary line and the proposed works. The title deed is included on appeal and it matches the site boundaries, I am satisfied the drawings appear to be accurate.
- 7.4 The works carried out to the property referred to in the appeal were repair works that were urgently needed to secure the building. The works did not require planning permission.
- 7.5 On balance, the proposed works improve the visual appearance of the subject site. I noted during my inspection a lot of vacant sites and dereliction in close proximity to the subject site along O'Connell Street, therefore the refurbishment and re-use of the overall building is in keeping with the development plan objective, '*Policy BH 1 – It is the policy of Dungarvan Town Council to protect the built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration.*'

7.6 **Appropriate Assessment**

Having regard to the nature and scale of the development proposed, being a change of use and an alteration to the rear of an existing building in the town centre of Thomastown, and to the nature of the receiving environment, 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.

8.0 **Recommendation**

8.1. I recommend planning permission be granted for the proposed development.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Dungarvan Town Development Plan 2012-2020, and to the Guidelines for Planning Authorities - Retail Planning, issued by the Department of the Environment, Community and Local Government in April 2012, the existing use on the site as a public house and residential unit and to 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 be acceptable in terms of the zoning objective and its location within the town centre, would be in keeping with with local planning policies. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 10th of July 2020, 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of the development shall be managed in accordance with a Construction and Demolition 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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity</p>
3.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
5.	<p>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.</p>

	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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Caryn Coogan
Planning Inspector

6th of April 2021