



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318626-23

#### Development

The development will consist of: (1) installation of 1 no. new ATM, along with alterations to existing window ope; (2) removal of section of existing stonework plinth; (3) minor internal alterations, together with all associated site works. (protected Structure)

#### Location

Bank of Ireland, Ellison Street,  
Castlebar, Co. Mayo.

#### Planning Authority

Mayo County Council

#### Planning Authority Reg. Ref.

2360381

#### Applicant(s)

Bank of Ireland

#### Type of Application

Permission

#### Planning Authority Decision

Refused

#### Type of Appeal

First

#### Appellant(s)

Bank of Ireland

#### Observer(s)

None

**Date of Site Inspection**

2/05/2024

**Inspector**

Darragh Ryan

## **1.0 Site Location and Description**

- 1.1.1. The appeal site is located in Ellison street, Castlebar Co Mayo at the Bank of Ireland. The building is a protected structure ref no 1964 14:16. Ellison Street, is one of the primary retail streets in Castlebar with a multiple differing uses thereon. The Bank is in an area zoned Town Centre. The Bank is on the north western side of Ellison Street between the junctions of Cavendish Lane and Juke Street.
- 1.1.2. The building constructed in 1873 is a detached four- bay two storey double -pile over basement bank. The building is a hipped double -pile (M-profile) slate roof with clay ridge tiles and rendered chimney stacks. There is a rendered channelled wall on ground floor on a rendered chamfered plinth, with a red brick Flemish bond surface finish to first floor.
- 1.1.3. There is an existing ATM and canopy built into the existing façade of the building which required the removal of some of the existing stonework plinth. There is a small access to the north of the building with access to car parking to the rear of the site.
- 1.1.4. The site is for a total area of 0.167ha. The existing building is for an area of 901.02sqm and the extent of works proposed relates to an area of 2.89sqm.

## **2.0 Proposed Development**

- 2.1.1. The original application sought permission for the following:
  - (1) installation of 1 no. new ATM, along with alterations to existing window opening;
  - (2) removal of section of existing stonework plinth;
  - (3) minor internal alterations, together with all associated site works.As part of the appeal the applicant has submitted front elevation detail as follows:
  - (1) Install a new ATM on the front elevation in an existing doorway

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority issued a decision to refuse the original proposal for two reasons. These include:

1. The proposed development involves the alteration of a substantive part of the fabric associated with this protected structure i.e. Bank Of Ireland, Ellison Street, Castlebar, Co. Mayo; Protected Structure Ref No. 1964 14:16, which should be subject to a more suitable type proposal with more emphasis on façade retention. Therefore, the proposed development would be contrary to Ministerial Guidelines No. 9 Architectural Heritage Protection guidelines issued to Planning Authorities under Section 28 or any Ministerial policy directive issued to planning authorities under Section 29.
2. The proposed development is contrary to Objective BEO4 of the Draft Castlebar Town and Environs Plan Local Area Plan 2023-2029 which seeks to ensure that any alterations or interventions to protected structures shall be executed to a high conservation standard in order to protect their significance or value. Any applications for development of protected structures shall be carried out by an accredited conservation architect. In accordance with the Council requirements. The proposed development would materially contravene an objective indicated in a local area plan.

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

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

Within the planning authorities report the following is considered:

- It is considered the proposed ATM negatively impacts upon the front façade of the protected structure.
- The fenestration of the windows on the front façade should be retained in full.
- Any proposal to accommodate additional ATM's should include the following:

- Revise the existing ATM design and provide an additional ATM with slimline ATM's with a vertical emphasis in the existing masonry
- Relocate the ATM more suitably along the façade in a way that does not negatively impact upon this protected structure.

#### 3.2.2. Other Technical Reports

None

#### 3.3. Prescribed Bodies

None

#### 3.4. Third Party Observations

None

### 4.0 Planning History

None recent – existing bank building insitu since 1873

### 5.0 Policy Context

#### 5.1. Development Plan – Mayo County Development Plan 2022 – 2028

- 5.1.1. Objective SS013- The land use zoning provisions of the existing town and environs development plans for Ballina, Castlebar and Westport shall continue to be implemented on an interim basis until such times as local area plans are adopted for these towns, whilst also having regard to any draft local area plan, and subject to compliance with the provisions of the Mayo County Development Plan, including the Core Strategy population/ housing targets. Site is Zoned – Town Centre

#### Architectural Heritage Policies & Objectives

- BEP 5 - To promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen with recognised conservation expertise, for works to protected structures or historic buildings in an Architectural Conservation Area.

- BEO 10 - To protect the setting of protected structures and seek to prevent the demolition or inappropriate alteration of Protected Structures, which would adversely impact on the character and special interest of the structure, where appropriate.

#### 5.1.2. Development Management Standards - 11.2 Architectural Heritage Assessment

Where deemed necessary, the Planning Authority may require an Architectural Heritage Assessment report, prepared by a qualified and experienced conservation architect as described in Appendix B of the DEHLG Architectural Heritage Protection, Guidelines for Planning Authorities (2004, reissued by DAHG, 2011) which shall accompany planning applications for works to protected structures. This report shall:

- Outline the significance of the building.
- Include a detailed survey of the building, including a photographic survey.
- Detail the proposed works it is intended to carry out; and
- Contain a full assessment on the materials and method proposed to carry out these works, their impact on the character of the structure and the reversibility of the proposed works.

See Section 13.5 for further Guidance on the requirements of an Architectural Heritage Assessment

#### 5.1.3. Architectural Heritage Protection Guidelines for Planning Authorities 2011

##### Section 1.12

Sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. The creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and special interest on the other.

\*Draft Castlebar Local Area Plan 2023 – 2029 – Ministerial Direction issued on 1st May 2024.

## **5.2. Natural Heritage Designations**

River Moy SAC – 6.3KM to the East

## **5.3. EIA Screening**

The proposed development is not within a Class of development outlined Under Schedule 5, Part 1 or 2 of the Planning and Development Regulations. The need for environmental impact assessment can, therefore, be excluded at pre- screening, a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The decision of the Planning Authority is based entirely on the Draft Local Area Plan and not on an adopted Local Area Plan and a refusal of permission cannot be made in respect of a draft Local Area Plan which has not been adopted.
- The decision of the planning authority was unreasonable. The matter arising in the planners report and the decision to refuse could have been addressed by way of a request for further information. The applicants were not afforded the opportunity to address the concerns of the Planning Authority. It is clear from the refusal reason and recommendation that precedes it that the planning authority would consider an ATM at a different location
- The planners report fails to assess the application but rather proceeds to a decision to refuse permission without adequate assessment.
- The decision of the planning authority does not consider the long- term viable use of the building as a banking facility. Increased online banking and a more technological friendly customer base will allow for an evolving technology in this space. The ATM experience is changing for banks and to remain commercially relevant and viable its necessary to facilitate a more modern way of banking.

- A revised proposal has been submitted to place a new ATM within an existing door ope. The door ope is replacement hardwood and a later addition to the bank, hence no original features will be disturbed. An Architectural Impact Assessment has been submitted with the appeal.

## **6.2. Planning Authority Response**

None

## **6.3. Observations**

None

## **6.4. Further Responses**

None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to the appeal are as follows:

- Impact of Development on Protected Structure
- Refusal Reasons
- Other Issues
- Appropriate Assessment

## **7.2. Revised Drawings**

7.2.1. The applicant has modified the development proposal from its original submission to the planning authority. The proposal is on the same elevation as the original proposal and the scale of development has not changed from the provision of an additional single ATM. Therefore, I do not consider the changes as proposed to be significant. The planning authority has not responded to the revised design proposal or has there been any comment from the Mayo County Council Architects



Department. While I find the revised detail as submitted directly addresses the reasons for refusal, I deem the scale of these modifications to fall within acceptable limits. However, the significance of these design alterations may warrant further consideration by the Board.

### **7.3. Impact of Development on Protected Structure**

- 7.3.1. The original proposal for a new ATM consisted of providing an opening immediately adjacent to the existing ATM on site and making alterations to existing window opening and removal of a section of stonework plinth. The planning authority considered that the intervention as proposed resulted in the alteration of a substantive part of the fabric associated with this protected structure which should be subject to a more suitable proposal with an emphasis on façade retention. Having reviewed the original submission, I agree with the findings of the planning authority having regard to impact of the development on the protected structure. The loss of original façade and original fabric is in my view unwarranted and would detract to an undue degree from the original unique features of the protected structure.
- 7.3.2. As part of the appeal the applicant has submitted revised front elevation detail, installing the new ATM within the existing door opening on the easternmost portion of the structure. An accompanying architectural impact assessment indicates that this proposal would not result in the loss of any original fabric, but would involve the removal of a single hardwood door, which was a later addition. This door, once the entrance to the bank manager's residence, is now disused. The proposal also includes the removal of a canopy over the existing ATM and the restoration of the existing render. Although the planning authority was invited to comment on the appeal documentation, no response was received.
- 7.3.3. The applicant has justified the need for the additional ATM facility based on the necessity to stay current with evolving technologies in banking and to provide access to banking facilities 24/7 for individuals who may lack access to online services in their own environment. Additionally, it is argued that ATM facilities are being prepared for future technologies such as biometrics and artificial intelligence. It is also suggested with closure of other Banks in Castlebar such as Ulster Bank, there is an additional need for ATM facilities in the town centre. I am satisfied based on

the submission of the applicant that the principle of providing an additional ATM facility located in the commercial core of Castlebar Town is justified.

7.3.4. Having reviewed the additional documentation as submitted in the appeal, I consider the provision of an additional ATM at the revised location to be the most advantageous in terms of location on the street front with minimal intervention required to the original fabric of the building. As per the architectural impact assessment submitted the loss of a single door opening in place of a new ATM facility should not change the character of the protected structure to an undue degree. The door opening which is no longer in use was formerly used as an entrance to the bank managers residence. The door to be removed is not an original feature and I consider the intervention at this location can be easily reversed in the future if the need requires. All original features of the door surround are to remain intact; these include the Camber – headed flanking, limestone steps, rendered doorcase with monolithic pilasters and concealed dressings and bull nose reveals. The timber panelled door over light shall also remain in situ.

7.3.5. As per the floor layouts submitted the ATM is to be located within an existing large office space within the building. There are some minor works proposed to the interior of the building to facilitate the development, these include the provision of two short sections of new partition wall and two internal doors to subdivide an existing office space. The interventions proposed in this instance are considered minor and not material to the character of the protected structure. I consider the proposed development for the revised location of an ATM to comply with policies & objectives BEP 5 and BEO 10 of the Mayo County Development Plan 2022 – 2028 and the Architectural Heritage Protection Guidelines for Planning Authorities 2011.

#### **7.4. Refusal Reasons – Material Contravention**

##### **7.4.1. Material Contravention**

7.4.2. The agent for the applicant contends that the decision to refuse planning permission was flawed, particularly citing the reliance on policies within the Draft Castlebar Local Area Plan, which has not yet been adopted. Specifically, the second reason for refusal cites a material contravention with Objective BEO4 of the Draft Castlebar Town and Environs Plan Local Area Plan 2023-2029

- 7.4.3. The material contravention as cited by Mayo County Council was with regard to a Draft Local Area Plan, therefore I do not consider that there is any legal basis to determine that the development materially contravened this plan. Having regard to the above provisions I do not agree that the original development proposal “materially contravened” the Draft Local Area Plan. The Board should not, consider itself constrained by Section 37 (2) of the Planning and Development Act
- 7.4.4. While I acknowledge the applicant's concerns regarding the second refusal reason stemming from the Draft Local Area Plan, it is important to note that this was not the sole basis for refusal. The primary reason, as stated in the first point issued by the local authority, pertains to the removal of a significant portion of the fabric associated with the protected structure. This would contravene Ministerial Guidelines No. 9 on Architectural Heritage Protection, which are directives for Planning Authorities. Furthermore, as part of the appeal the applicant has provided an Architectural Impact Assessment conducted by an accredited conservation architect, addressing any concerns the planning authority may have had regarding Objective BEO4 outlined in the draft local area plan. However, it is important to emphasise that the primary issue leading to refusal is addressed in Section 7.2 above, which I deem to be the core matter for consideration in this appeal.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposal to provide a single ATM into existing building in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within a urban location 6km west of the nearest European Site, River Moy SAC. The development proposal consists of provision of a single ATM.

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development]
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions

## **10.0 Reasons and Considerations**

It is considered that, subject to compliance with the conditions set out below, the proposed development as set out comply with Policy BEP 5 and Objective BEO 10 of the Mayo County Development Plan 2022 – 2028 and Ministerial Guidelines No. 9 Architectural Heritage Protection guidelines issued to Planning Authorities and would not be seriously injurious to the amenities of the area or impact negatively upon the character of a protected structure and would not adversely impact the built heritage of the area. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## **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 plans and particulars received by the Board on the 5<sup>th</sup> of December 2023 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. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted

works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric

3. 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 amenities of property in the vicinity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Darragh Ryan  
Planning Inspector

24<sup>th</sup> of May 2024