



An  
Bord  
Pleanála

## Inspector's Report ABP-319628-24

<b>Development</b>	The demolition of a storage shed and the realignment of the boundary wall and gateway with all associated site works.
<b>Location</b>	Church Street & Cornmarket Street, Birr, Co. Offaly.
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	2418
<b>Applicant</b>	Anthony Ryan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Joe Breen
<b>Date of Site Inspection</b>	13 <sup>th</sup> September 2024.
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located at Church Street & Cornmarket Street, Birr, Co. Offaly.
- 1.1.2. The site is located at the junction of a narrow street with even narrower lanes which are used by pedestrians in the historic core of Birr.
- 1.1.3. The road on which the site is located, called Cornmarket Street, extends from Church Street at its southern end, northwards along the side of properties on Church Street which are to the east, and along the front of a terrace of single storey houses also to the east. Large historic grounds of properties are to the west, and a public car-park is also to the west. The lane then veers west along the northern end of the car park with some two storey buildings fronting its northern side. Turning north it joins Green Street close to William Street and Rosse Row, which skirt the perimeter of Birr Castle to the west.
- 1.1.4. The car park is accessed via the northern end of Cornmarket Street and William Street and appears to serve both Birr Castle and the town centre.
- 1.1.5. From the car-park access southwards Cornmarket Street (formerly Spinners Lane) is accessible to traffic in both directions, but it is barely wide enough to operate for one way traffic. The only place where it widens is where it changes direction from north-south to east-west. On the date of inspection one car was parked at this location. Although two-way traffic is allowed, there is very little traffic on this street, not least because of its narrow width and lack of parking, and the fact that there is a barrier to through traffic on Church St; making Cornmarket Street a cul-de-sac. In effect this street appears to be largely a car free space.
- 1.1.6. The junction with Church St has a western leg, a straight un-trafficked laneway along the current northern end of a churchyard (not the original configuration of this churchyard site). The laneway is flanked by a high masonry wall along its the northern side, bounding an area, given on the 25 inch OSI mapping as a corn and wool market with a weigh house, now apparently the grounds of a dwelling. The site is within the fortified town boundary. Birr was established in the 6<sup>th</sup> century. The area in which the site is located is an area of archaeological potential.
- 1.1.7. The site, given as 0.0228 ha, comprises a two storey building facing Church St with, to the rear, a single storey building a garden and yard; and, to the side, a lean-to

type, single storey building together with a gateway and a masonry wall of undressed stone, which bound Cornmarket St. It is proposed to remove the lean-to building, gateway and masonry wall, to increase the width of the Cornmarket St as far as a proposed access to associated land to the rear. The notation on the drawings state that planning application Ref 23427 is in progress in that location.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is the demolition of a lean-to storage shed with the realignment of the boundary wall and gateway to the west of the existing dwelling including all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority (PA) decided to grant permission subject to 5 conditions, including:

2 – walls to be blockwork, faced in stone.

3 - surface paving to be agreed. Parking of vehicles in vicinity of gateway not permitted.

4 - surface water.

5 – waste.

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

- 3.2.1. Planning Reports

- 3.2.2. The Planning Report recommending permission, which issued, includes:

- Reference to Birr Local Area Plan (LAP) 2023-2029.
- Reference to the 10 objections received.

- 3.2.3. Other Technical Reports

- Water Services & Environment, 12<sup>th</sup> March 2024 – no objection

### **3.3. Third Party Observations**

- 3.3.1. Third party observations on the file have been read and noted. Issues raised are similar to those raised in the grounds of appeal.
- 3.3.2. One observation recommends that all ground as yet undeveloped in such close proximity to St Brendan's Old Church and graveyard should be maintained as such, due to the likelihood of a modern geophysical or even more advanced archaeological search in the future for such features of the Birr monastic site as: early medieval small churches, ornate grave slabs, high crosses, round tower, houses, workshops etc. which were typical of such enclosures.

## **4.0 Planning History**

Planning application Ref 23427 refers to the land in the same ownership adjoining to the north. This planning application was for two, 2 storey 2 bedroom townhouses with the provision of 2 car parking spaces, etc. A further information request issued on 16<sup>th</sup> February 2024 and the application was subsequently withdrawn on 21<sup>st</sup> February 2024.

The planning authority has supplied documents from two history files:

Br/ 585 – (1983) extend dwelling at Church St and erect boundary wall.

The drawings and conditions refer to the site at the junction of Church St and Cornmarket St, and also on the opposite side of Church St.

Condition no 1 Existing garden boundary wall (beside extension) shall be removed and replaced by the gable of the extension. A new garden wall shall be erected along a line which connects the north western corner of the extension to a point on the back boundary of the site which is to be agreed with the Council. The area in advance of the new walls shall be levelled to match the adjoining street. Reason: To provide adequate visibility at the entrance to the site and to allow for road improvements.

This permission appears to refer to the lean-to and gate at the subject site.

Br / 1573 - retention of knocking part of existing building at rear and replacement with new two storey building and permission for ground floor sun room. This refers to the adjoining property to the east.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.2. Offaly County Development Plan 2021-2027, includes Birr. It includes:

Self-Sustaining Growth Town (Birr)

SSP-08 It is Council policy that Birr, a Self-Sustaining Growth Town, continues to grow at a sustainable level and at a commensurate scale in accordance with the Core Strategy Table in an effort to become more self-sustaining.

5.3. Birr Local Area Plan 2023-2029 applies. It includes:

The zoning is town centre / mixed use

Policies

BHP-03 Protect and enhance the urban form of Birr including the character of streetscapes, vistas and squares for example, Market Square, Emmet Street and Square, Oxmantown Mall, Townsend Street, The Green, John's Place, Compton Row, Newbridge Street, Connaught Street, O'Connell Street, Main Street, Castle Street, St. Brendan Street and Crinkill village core.

BHP-05 Encourage contemporary development within Birr where the applicant can successfully demonstrate that any proposal will not negatively detract from the special character of the existing built environment.

BHP-06 Ensure that full consideration is given to the protection of archaeological heritage when undertaking, approving or authorising development in order to avoid unnecessary conflict between development and the protection of archaeological heritage.

BHP-07 Have regard to the Zones of Archaeological Potential as shaded on Figures 4.3 and 4.4, and to ensure that planning applications are referred to the appropriate prescribed bodies.

BHP-08 Protect the historical burial grounds within Birr town and encourage their maintenance in accordance with conservation principles.

#### Objectives

BHO-01 Secure, where feasible and appropriate, the protection of the character of the existing original carriage archways/access-ways to the rear of existing properties.

### 5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura sites are Ballyduff/Clonfinane Bog SAC (site code 000641) c 4.5km straight line distance away, and Dovegrove Callows SPA (004137) c 2.5km straight line distance away.

### 5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required. Appendix 1 refers.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been submitted on behalf of Joe Breen of Cornmarket Street. The concerns in the grounds of appeal include:

The historical significance of Cornmarket St, the existing boundary wall and laneway, and the impact of its removal on established built heritage of the area.

The lack of justification for the removal of 19<sup>th</sup> Century historic wall.

The potential for increased traffic movements on a pedestrian street as a result of proposed widening of the laneway.

**The historical significance of Cornmarket St, the existing boundary wall and laneway, and the impact of its removal on established built heritage of the area.**

- Nearby listings in the National Inventory of Architectural Heritage and the record of Protected Structures are referred to.
- Reference is made to BHP-03 and BHP-05 of the LAP with regard to protecting the existing urban form of the town, particularly streetscapes, vistas and market squares.
- Extracts from historic maps are provided. It is important to ensure the layout of such areas within towns are preserved as they contribute greatly to the character of the wider area.
- The proposed development would detract significantly from the character of the area and does not have regard for BHP-03 and BHP-05 of the LAP.

**Lack of justification for the removal of 19<sup>th</sup> Century historic wall.**

- No justification has been given. The proposed scheme largely functions as a road widening scheme with the laneway to be over 5 metres wide at this location.
- The proposal appears to be part of a wider plan to accommodate a future planning application for residential development within the landholding.
- The proposed development would lead to ad hoc development.

**Potential for increased traffic movements on a pedestrian street as a result of proposed widening of the laneway.**

- Cornmarket Street and Church Street are principally pedestrian laneways. They have largely been pedestrianised to facilitate increased permeability and accessibility to the main square of the town and its main shopping streets. It is noted for a higher presence of school children who walk along Cornmarket Street on a daily basis.
- The laneway is used by tourists as a primary pedestrian link from Birr Castle which is to the northwest, to the centre of the town.
- The nature of the street encourages pedestrian use.



- Appellant is concerned about the impact on the pedestrian use of the laneway. There is the potential for increased vehicular movements which will create a conflict.
- Increased congestion will cause access issues for existing residents.
- Access to Cornmarket Street is from the north with car parking being very limited for existing residents. Cornmarket Street and Church Street already deal with congestion, with a large number of cars already parked along the street. A photograph of parking on the southern side of Church Street is provided.
- The widening of the laneway may encourage further on-street parking.
- The safety and amenity of existing occupiers should be safeguarded in development. This application fails in this regard.
- A comprehensive proposal for the development of the site (lands) is more appropriate.
- A copy of the observation to the planning authority is attached.

## **6.2. Applicant Response**

- 6.2.1. The applicant has not responded to the grounds of appeal.

## **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority have responded to the appeal referring the Board to the reports on the file.

## **7.0 Assessment**

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, traffic / pedestrian safety, and impact on built heritage and the following assessment is dealt with under those headings.

## **7.2. AA Screening**

- 7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either

on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

7.2.2. Appendix 2 to this report details my assessment under this heading.

7.2.3. There is no likelihood of impact on any Natura site.

### **7.3. Traffic/Pedestrian Safety**

7.3.1. Cornmarket Street is part of a network of narrow routes in this part of Birr, close to Bir Castle and within the heart of the historic town. The junction with Church St has a western leg: a straight un-trafficked laneway running along a churchyard to join William Street opposite Birr Castle. Cornmarket Street is accessible to vehicles but is virtually a car free space, used by pedestrians as a safe walking route, as an access to the car park, and to link Birr Castle and local schools to other parts of the town.

7.3.2. Vehicular access to this area is limited. A public car park at the northern end of Cornmarket Street, is accessed both from Cornmarket Street and William Street. For the short length from its junction with Green Street at the northern end, to the public car park, Cornmarket Street is wide enough to accommodate two-way traffic. From there to its junction with Church Street, it is narrow and unsuitable for vehicular traffic. There is no restriction on two way traffic but the narrow width of the roadway, the lack of space to pull in or turn, and the closure to vehicles at Church Street, constrain its use. It has very limited capacity for use by vehicular traffic and any increase in such use would be in direct conflict with its use by vulnerable users such as pedestrians.

7.3.3. The proposed development would facilitate and encourage increased use by vehicular traffic. This is a reason for refusal.

### **7.4. Impact on Built Heritage**

7.4.1. The grounds of appeal states concerns regarding the historical significance of Cornmarket St, the existing boundary wall and laneway, and the impact of its

removal on established built heritage of the area; also the lack of justification for the removal of 19<sup>th</sup> Century historic wall.

- 7.4.2. I note that some of the structures to be removed are likely to date only to the 1980's when planning permission (Br/ 585) was granted for the removal of part of the boundary wall. However the current proposal includes the removal of some historic wall.
- 7.4.3. Removal of historic walls or excavation in this area could impact adversely on the archaeological potential of the historic area and is not supported by detailed archaeological assessment of the site and surrounding area. In addition the widening of this narrow street would detract from the morphology of the historic town. Impact on built heritage is a reason to refuse permission.

## **8.0 Recommendation**

- 8.1.1. In accordance with the foregoing I recommend that planning permission be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

- 1 The proposed development which involves removal of historic walls and widening of this narrow street, would impact adversely on the morphology of the historic town and in addition the removal of historic fabric and associated ground excavation, would impact on the protection of the archaeological potential of the site. The proposed development would accordingly detract from the built heritage of the historic town of Birr and be contrary to the proper planning and sustainable development of the area.
- 2 The restricted nature of Cornmarket Street means that it has very limited capacity for use by vehicular traffic. By facilitating increased use by vehicular traffic, for which it is unsuitable, the proposed development would be in direct conflict with the use of this narrow roadway by vulnerable users, thereby creating a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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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Planning Inspector

18<sup>th</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319628			
<b>Proposed Development Summary</b>	Demolition of a lean-to storage shed with the realignment of the boundary wall and gateway to the west of the existing dwelling including all associated site works.			
<b>Development Address</b>	Church Street & Cornmarket Street, Birr, Co. Offaly			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	/	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	/		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	/	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	/	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2****Template 1: Screening the need for Appropriate Assessment  
Screening Determination**

I have considered the demolition of a lean-to storage shed with the realignment of the boundary wall and gateway to the west of the existing dwelling including all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in a serviced area in the middle of the town of Birr c 2.5km from the nearest Natura site, Dovegrove Callows SPA.

The proposed development comprises demolition of a small structure and erection of a wall

No nature conservation concerns were raised in the planning appeal.

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 [insert as relevant:

- Nature of works e.g. small scale and nature of the development
- Location-relative to the nearest European site and lack of connections
- Taking into account screening report/determination by PA.

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.