



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322639-25

<b>Development</b>	Demolition of existing public house and residential building and construction of a café restaurant with dine-in and takeaway services, two bedroom apartment and shopfront.
<b>Location</b>	James Street, Westport, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council.
<b>Planning Authority Reg. Ref.</b>	2560142.
<b>Applicant(s)</b>	Harold Conway.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal.
<b>Appellant(s)</b>	Harold Conway.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21 <sup>st</sup> August 2025.
<b>Inspector</b>	C. Daly.

## **1.0 Site Location and Description**

- 1.1. The subject site, 0.023ha. in area, on James Street, within the centre of Westport town, consists of a two storey terrace building which directly fronts the street. The building is derelict and was previously a pub on the ground floor and residence above. The rear return is enclosed by a high wall set back somewhat from its side and which also encloses a courtyard which serves a number of commercial premises. This links James Street with Distillery Court and there is an archway adjacent to the site which provides a link from James Street into the rear courtyard and onwards via another archway to Distillery Court, a back street to the rear. The site is located within a two storey terrace of commercial properties. James Street includes mainly two to three storey terraced properties directly fronting the street with mainly commercial premises at ground floor level.

## **2.0 Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
- Demolition of an existing public house and residential terraced two storey building with rear two storey return.
  - Construction of a new café restaurant, food and beverage retail unit with dine-in and takeaway services on the ground floor and two-bed apartment with mono-pitch roofs and clerestory windows on the first floor.
  - New shopfront, new rooflights, clerestory glazing to the rear and associated works.

## **3.0 Decision**

- 3.1. Mayo County Council decided to refuse permission for two reasons which relate to (1) Contrary to Objective BEO 1 of the Westport LAP to preserve the special character of the ACA. By reason of demolition it would materially and adversely affect the character of the ACA and the structure is noted in the NIAH listing and would seriously injure the amenities of property in the vicinity; and (2) By reason of demolition of a vernacular building, would be contrary to Policy BEP 6 of the LAP

which encourages the rehabilitation, renovation, climate-proofing and re-use of existing protected structures and vernacular buildings, where appropriate, over the demolition of same and new build on site.

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

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

The Planner's Report assessment noted that the proposal is the same as the previously refused application. It noted that in the town centre per the zoning, restaurant /cafes and apartments are permitted under the LAP. It noted the submission of a report in relation to the condition of the structure and considered given the ACA location and the listing in the NIAH that it should be retained and that it would be contrary to Policy BEP 6 and Objective BEO 1 of the LAP. Refusal of permission was recommended for the reasons outlined above.

#### **3.2.2. Other Technical Reports**

- Area Engineer Westport: No report received.
- Environment – Water, Air and Noise: standard construction and demolition conditions recommended.
- Water Services: No report received.
- Siobhán Sexton: No report received.
- Robbie Maguire: No report received.
- Regional Design Office: No objection.
- Road Design: No report received.
- Conservation Officer: Noted contrary to the Westport LAP. The report noted the house represents an integral component of the later 18<sup>th</sup> century domestic built heritage of Westport. It noted that although much modified at street level in the later 20<sup>th</sup> century, that the elementary form and massive otherwise survive intact together with substantial quantities of the historic or original fabric, both of the interior and exterior.

### **3.3. Prescribed Bodies**

TII: Recommended that roads and rail policy be followed.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

**24/60351:** Permission refused by the P.A. for a development of the same description as the subject proposal. One reason for refusal related to being contrary to Objective BEO 1 of the draft Westport LAP by reason of demolition of a building within an ACA and noted in the NIAH which would materially and adversely affect the character of the ACA and seriously injure the amenities of property in the vicinity.

## 5.0 Policy Context

### 5.1. Mayo County Development Plan 2022-2028 (the CDP)

#### Volume 1

#### Chapter 4 Economic Development

EDO 46\_ *To maintain an appropriate mix of uses and to maintain the role of the town centre as a dominant commercial and retail centre, and prevent an excessive concentration of particular (single type) uses with the town centre areas of Mayo's towns and villages, for example bookmakers/betting offices; licenced premises, discount retail units, hot food takeaways, etc.*

#### Chapter 9 – Built Environment

##### Section 9.4.1.2 Architectural Heritage

*Architectural heritage consists of buildings and structures of architectural, historical, archaeological, artistic, cultural, scientific, social or technical importance. The principal mechanism for protection of these buildings and structures is through inclusion on the 'Record of Protected Structures' (RPS).*

*Mayo County Council recognises the important contribution that all historic structures, features and landscapes, including those which are not listed in the RPS, makes to the county's heritage. Local authorities can also preserve the special character of a place, area, group of structures, or townscape known as Architectural*

*Conservation Areas (ACAs). The special character of an ACA is made up of its architectural features, setting, spatial qualities and land uses.*

*BEO 11 To ensure that any new development or alteration to a building within or adjoining an Architectural Conservation Area positively enhances the character of the area and is appropriate in terms of the proposed materials, scale, density, layout, proportions, plot ratio and building lines.*

*BEP 16 To promote and support the re-use and re-purposing of extant building stock, in the first instance, over demolition and rebuilding building, where practical, with reference to the loss of our historic building stock, sense of place and the environmental cost.*

*BEP 23 To encourage and facilitate improvements to the physical fabric and environment of town and village centres, including streetscape, street furniture, landscaping (hard and soft), signage and wirescape, while recognising that both private and public developments can contribute to effective public realm.*

*BEP 29 To promote the consolidation of town and village centres with a focus on the regeneration of underused buildings and strategic sites and on the establishment of a mix of uses to encourage greater vibrancy outside of business hours. (To note there are two BEP 29 policies/objectives, this one is from page 173).*

## Volume 2

### Section 5.8 Fast Food/Hot Food Takeaways

*A proliferation of hot food take-aways will not be permitted in any area. Regards will be had to the impact of hot-food-takeaways on the amenities in the area, including noise, odour and litter. The Planning Authority may impose restrictions on opening hours as a condition of planning permission.*

### Section 5.9 Proliferation of Uses

*In order to maintain an appropriate mix of uses and to maintain the role of the town centre as a dominant commercial and retail centre, the Planning Authority will prevent an excessive concentration of particular (single type) uses with the town centre areas of Mayo's towns and villages, for example Bookmakers/Betting offices, Licenced premises, Discount retail units, hot food takeaways etc.*

*The planning authority will also resist the conversion of ground floor premises on the principal shopping areas to non-retail or domestic uses, with consideration given to hospitality sector uses on a case by case basis.*

#### Section 13.5 Architectural Assessment

*In order to safeguard the integrity of PS and ACAs in their setting in the landscape an architectural assessment shall be submitted for:*

- *Development on sites of protected structures*
- *Developments within ACAs*
- *Developments while not on sites of PS or within ACAs but may have an impact on the setting of nearby PS and/or ACAs*

*Architectural Assessments shall be carried out by a suitably qualified architect and set out in accordance with the requirements of Mayo County Council....*

#### *Guidance for Works in Architectural Conservation Areas Replacement of Existing Buildings*

- *The reuse of existing buildings is preferable to replacement. Applications for demolition of buildings that contribute to the character of an ACA will only be granted in exceptional circumstances.*
- *Where replacement buildings are deemed acceptable in an ACA, new buildings should take into account existing plot sizes, in order to retain the existing character of the ACA.*
- *Details of the design including materials proposed for replacement building(s) will be required in any case where demolition is considered, proposals for a replacement building will be assessed as set out below as part of the consideration of an application for demolition.*

#### **5.2. Westport Local Area Plan 2024-2030 (the LAP)**

The subject site is zoned for 'town centre' under the LAP which is "*To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses*". The site is designated within the inner town centre (LUZ 1) under the LAP. Restaurant/café, takeaway and residential (single and multiple) are permitted in principle under the zoning.

The site is located within an Architectural Conservation Area under the LAP.

## Chapter 2 – Development Strategy

### Section 2.5 Strategic Goals

*Town Centre Regeneration/Consolidation: To develop a robust and design-led urban regeneration and development strategy; to maximise the strengths of the town; and to promote sustainable movement. To integrate new and regenerated areas within the historic core in a contemporary manner that complements the existing urban structure and heritage of the town. To create an integrated and commercially robust, liveable and sustainable town. To ensure that best practice urban design principles are applied to all new development, based on the principle that well-planned and integrated development enhances the sustainability, attractiveness and liveability of an area.*

### Section 2.10 Development Strategy Policy and Objectives

DSP 5 Ensure the vitality and viability of the town centre is maintained and enhanced and to strengthen its function by facilitating the development of residential, retail, community, tourism, professional and other services, subject to compliance with the policies and development management standards of the Mayo County Development Plan 2022-2028.

## Chapter 4 – Town Centre and Regeneration

*TCP 1 Ensure the vitality and viability of the town centre is maintained and to strengthen its function by facilitating the development of residential, retail, community and tourism services, subject to compliance with the policies and development management standards of the County Development Plan.*

*TCP 2 Seek to develop and improve areas within the town in need of regeneration, renewal and redevelopment. The Council will seek to apply, where appropriate, the provisions of the Urban Regeneration and Housing Act, Derelict Sites Act, and use Compulsory Purchase Orders and other active land management instruments, as appropriate, to facilitate regeneration, housing supply, employment opportunities and community facilities.*

*TCP 3 Protect the visual character, built and cultural heritage, ambience, and vitality of the traditional heart of the town centre in order to meet the retailing and service*

*Needs of the area, in addition to offering a pleasant and attractive environment for shopping, business, tourism, recreation and living.*

## Chapter 5 – Economic Development

### Section 5.9 Economic Development Policies and Objectives

*EDO 6 Manage the over proliferation of certain undesirable uses such as fast-food outlets, amusement arcades, off licences, bookmakers, and of other non-retail uses in the interest of protecting the vibrancy, residential amenity and public realm of the town centre of Westport.*

## Chapter 8 – Built Environment

### Section 8.10 Built Environment Policies and Objectives

*BEO 1 To ensure the preservation of the special character of the ACA in this LAP, as indicated on Map 3, with particular regard to building scale, proportions, historical plot sizes, building lines, height, general land use, fenestration, signage, and other appendages such as electrical wiring, building materials, historic street furniture, paving and shopfronts.*

*BEP 2 Encourage high quality and well-designed buildings, structures, public spaces and streets and support and promote healthy place-making and quality of life.*

*BEP 6 Encourage the rehabilitation, renovation, climate-proofing and re-use of existing protected structures and vernacular buildings within the plan area, where appropriate, over the demolition of same and new-build on-site.*

## 5.3. **National Policy**

Architectural Heritage Protection Guidelines (2011).

## 5.4. **Natural Heritage Designations**

In relation to designated sites, the subject site is located:

- c.1.3km east of Clew Bay Complex Special Area of Conservation (SAC) and Proposed Natural Heritage Area (PNHA) (site code 001482).
- c.2.5km south-east of Coolbarreen Lough PNHA (site code 000481).
- c.2.9km north-west of the Adogommon PNHA (site code 001470).
- c.4.1km north-east of the Knappagh Woods PNHA (site code 001520).



- c.4.4km north-west of Kinlooe Lough PNHA (site code 001518).
- c.4.6km north-east of Brackloon Woods SAC (SITE CODE 000471).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal on behalf of Harold Conway can be summarised as follows:

- A renovation would not achieve the conservation aims of the P.A and would have a negative effect on regeneration.
- The proposed living over the shop arrangement represents a planning gain for the area, day and night.
- The Condition Report prepared by the Scheme Architect shows that preservation is impossible even in a renovation scenario and the P.A. had no issue with the proposed replacement design.
- The proposal is consistent with the relevant policies and objectives of the Westport LAP.

#### No Material Change in Appearance of Building

- The new structure will be a like for like replacement of the existing building in respect of the street front with a slight rear extension behind and hidden from the street.
- Any issues in relation to the form of the changes can be resolved by condition.
- The current building is compromised in terms of non-original openings and shopfront and the baseline is not an original / vernacular townhouse or similar and this baseline is in need of significant intervention of some form.

#### ACA Designation relates to Character not Fabric/Materials

- The ACA relates to the 18<sup>th</sup> planned urban core and to the associated façade style, the façade is heavily modified and the ACA seeks only to preserve the character of the area with an emphasis on the façade of the buildings.

- There is no restriction in relation on changes to materials and fabric which should be proportionate and sensitively managed.
- The ACA and NIAH designations are meaningless as a tool of development control without a corresponding qualitative appraisal by the P.A..
- Reliance has been placed on the NIAH assessment rather than carrying out an assessment of the actual architectural heritage of the premises and its contribution to the mixed streetscape.
- The ACA designation does not preclude demolition as shown by a pattern of decisions in Westport recently.

#### NIAH Designations are a Record not a Protection

- The P.A. has conflated the protected structure status with the ACA and NIAH designations and has not carried out a robust assessment of the particulars of the case.
- The NIAH record does not include any restrictions to development.
- The fabric and condition of the premises has materially diminished since the 2008 NIAH assessment.
- The P.A. have only designated the building within the ACA and have not included any objective to give status to the internal fabric.

#### Existing Fabric cannot be Salvaged

- Any attempted renovation would be a futile exercise from a heritage perspective as supported by the Condition Report by Taylor McCarney, Architects, noting the need for significant structural and other interventions.
- The vast majority of the structure would be replaced within a renovation context and the elements are listed in this regard.
- The demolition has been justified in the Condition Report and this was disregarded by the P.A..

#### Immediate Setting

- The adjoining buildings contribute to the ACA in streetscape terms rather than at a granular level and this emphasises that it is the proportions of the building and quality of materials, not the age of the fabric, that matters.

#### Failure to Consider NPF

- The P.A. has failed to consider the relevant policies and objectives of the NPF.

#### Failure to apply the ACA test of the LAP

- The P.A. have not considered whether the development would be sympathetic or appropriately designed within the ACA and their focus was on process.

#### Failure to apply Objective BEO 1 test of the LAP

- Preserving the character by rebuilding is entirely feasible and achievable.

#### Failure to apply Policy BEP 6 test of the LAP

- The applicant has evidenced that rehabilitation, renovation, climate-proofing and re-use is not appropriate in this instance and the above policy encourages development.

#### Failure to apply the Development Plan test

- Regarding architectural assessment requirements of Appendix 2, Section 13.5 applicant provided the relevant details and demonstrated that renovation / reuse is not possible.
- The applicant has shown that the design would assimilate with the existing character of the area.

#### Failure to apply the Architectural Heritage Protection Guidelines test

- The proposal is compliant with these guidelines with the applicant having made the case for demolition and that it would not adversely affect the character of the area.

#### Failure to have regard to National and Local Planning Policy

- There is extensive policy support for the proposal and the policies/objectives cited in the refusal were not considered in the broader context of the Development Plan.

- The P.A. has failed to reference how the policies/objectives would be contravened which is contrary to the Development Management Guidelines 2007.
- Plans should be interpreted as a whole with a thorough and specific assessment required by the Commission.

#### Failure to have regard to Precedent and Local Decisions

- Examples listed include Bridge Street (21/1030), Altamount Street (24/60374) and Bridge Street, Castlebar (22/341).

#### Potential to Injure Amenities and Depreciate Property Values

- The proposal could only increase local values by reversing vacancy and decay, increasing population and commercial footfall and increasing the vitality and viability of the town centre.
- Institutionally imposed vacancy and dereliction would be more likely to negatively effect land and property values.
- A refusal would introduce significant uncertainty which is not conducive to safeguarding land and property values.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Demolition and Renovation Policy
- Effect on the Architectural Conservation Area (ACA)
- Other Issues

## 7.2. Demolition and Renovation Policy

- 7.2.1. I note the reference to Policy BEP 6 of the LAP in refusal reason no. 2. This refers to, inter alia, encouraging renovation and climate proofing of vernacular buildings over their demolition and replacement by new buildings. Having reviewed the NIAH record for the building (no. 31212071) which notes it to have a regional level of importance, I note the appraisal notes the following *“although much modified at street level in the later twentieth century, the elementary form and massing otherwise survive intact together with substantial quantities of the historic or original fabric, both to the exterior and to the interior, thereby upholding much of the character or integrity of a house making a pleasing visual statement in the streetscape”*. This record is dated August 2008. I also note that the building was not included on the list of protected structures in the current County Development Plan.
- 7.2.2. I note the submitted Condition Report prepared by Taylor McCarney Architects, which having visited the building, I consider to be consistent, with the building being in very poor internal condition that I observed on the site. I also note its reference to slight subsidence of the front street facing wall. The report notes in relation to the front wall that “the condition of existing mortar and mortar repair in the front wall is poor and crumbles when handled”. It notes dry rot behind the wall linings. The report also notes issues with the walls of the rear extension and how it is held together.
- 7.2.3. The report notes the lack of water tightness in the roof with evidence of water ingress and significant damage to both ceilings and walls below. It notes in other areas complete ceiling collapse, evidence of wet rot in roof timbers and in relation to the floors it notes no consistent level throughout and that all areas of the first floor are soft underfoot and are considered unsafe.
- 7.2.4. It refers to the historic or original fabric of the interior of the building and its exterior. Particularly in relation to the interior of the building, I do not consider this historic fabric to be salvageable or restorable to a material or meaningful degree. I have reviewed the Conservation Officer’s report in coming to this view and I do not consider that the report presents a strong case for renovation over demolition given the poor condition of the building. I do not agree that Objective BEO 1 of the LAP would be contravened in this regard or that policy BEP 6 would be contravened.

- 7.2.5. Noting this and the generally very poor condition of the building, and balancing other CDP and LAP policies which favour regeneration of the town centre, I consider that, on balance, the approach of the applicant in seeking demolition and new build is justified. Should permission be granted, I recommend a condition requiring preservation by record of the existing building.
- 7.2.6. In this context I do not consider that a refusal of permission in relation to policy BEP 6 of the LAP is merited in this regard. I also consider that the proposal would accord with policy BEP 16 of the CDP in relation to demolition and replacement.
- 7.2.7. I also note the proposed design to be consistent with policy BEP 2 of the LAP where it encourages high quality and well designed buildings. I consider the design of the proposed façade to be well considered in this regard noting the layout, proportions and window treatments and their consistency with the existing façade and the external materials which would consist of cement render, slate roof, signage letters and triple glazed windows. I also consider that consistent with LAP policies TCP 1, TCP 2 and TCP 3 this would support the regeneration of the town, aid in avoiding derelict sites and improve the area including its visual character while having due regard to the architectural heritage of the building and the ACA.
- 7.2.8. I note refusal reason no.2 and its citing of the serious injury to the amenities and depreciation of value of property in the vicinity following its conclusion that the demolition and re-build was not justified. Noting that I consider the demolition and new build to be justified and that the proposal would adequately preserve the character of the street, I agree with the appellant that the effective rejuvenation of the site and the positive impact this would have on the vitality and viability of the street, would not give rise to undue negative impacts on adjacent amenities or result in the depreciation of the value of property in the vicinity. I therefore do not recommend that this part of refusal reason no. 2 is upheld.

### **7.3. Effect on the ACA**

- 7.3.1. I note in its first refusal reason that the P.A. cited Objective BEO 1 of the Westport LAP. This references ensuring the preservation of the special character of the ACA. In relation to building scale, proportions, historical plot sizes, building lines, general land use, fenestration and signage. The Conservation Officer report appraisal noted that the elementary form and massing uphold the character of the house and make a

visual statement in the streetscape. I note the house is considered by the NIAH to represent an integral part of part of the later 18th century domestic built heritage of Westport with *“the architectural value of the composition suggested by such attributes as the compact rectilinear plan form; the somewhat disproportionate bias of solid to void in the massing compounded by the diminishing in scale of the openings on each floor; and the high pitched roofline”*.

- 7.3.2. I consider that the design of the front elevation would largely mirror, in a more modern style, the existing proportions and openings of the existing facade while following the established building line. I note that the proposed development would provide a limited rear extension of the building footprint by comparison with the existing.
- 7.3.3. I note the report of the Conservation Officer which refers to the historic/original building fabric and its retention being necessary to uphold the character and integrity of the house. Acknowledging these concerns, however, it has been demonstrated not to be viable and I note the very poor indoor condition with limited ability to restore the internal fabric, if at all possible.
- 7.3.4. Noting the design of the buildings along the street in the vicinity, I do not consider that the new front façade and roof would be out of character with the street or the architectural qualities of the ACA being a similar modern build reflecting the form and design of the existing façade and being in character with the facades and the design of the buildings in the vicinity. In relation to the replacement design which I consider would sufficiently respect the design of the existing building and the character of the street and ACA in the vicinity, I do not agree with the Conservation Officer that either Objective BEO 1 of the LAP or that policy BEP 6 would be contravened.
- 7.3.5. In relation to the streetscape impact on the ACA, I do not consider that the retention of the fabric of the original façade to be required by Objective BEO 1 where it references *“building materials”* and noting that many facades on the street are not historic original versions and noting that the existing façade has been modified.
- 7.3.6. I also note CDP and LAP policies which encourage regeneration of town centres which I consider would be aided by the proposal both in terms of providing a new ground floor active use and by avoiding ongoing disuse and deterioration of the

structure over time. I note that objective BEO 1 also refers to building materials. In this context I note the NIAH register appraisal.

- 7.3.7. I note that the policy suggests taking regard to the building materials as well as the design. I note the applicant's appeal contention that the ACA relates to the 18<sup>th</sup> planned urban core and to the associated façade style; that the façade is heavily modified and that the ACA seeks only to preserve the character of the area with an emphasis on the façade of the buildings. I largely agree with this contention and I consider that these considerations outweigh the desire to retain the original external facade.
- 7.3.8. Having visited the site, including the interior of the building, considering the submitted building Condition Report prepared by Taylor McCarney Architects which notes the very poor condition of the building including in relation to the floors, walls, roof, absence of heating system and requirement for rewiring and the major structural remedial works required, I consider that balancing the policies of the CDP and LAP, which encourage town centre regeneration and vitality and viability, that refusing permission in relation to LAP Objective BEO 1 is not justified. I consider that the design would accord with Section 13.5 and policies BEP 23 and BEP 29 of the CDP which support the proposed development that respects the existing design typology of the street and which would enhance the streetscape relative to the current situation.
- 7.3.9. Overall in planning policy terms, I consider it preferable that the site and building be regenerated with the active street level restaurant use proposed and that this would be a reasonable noting the significant difficulty if not impossibility with some elements of retaining and renovating the existing structure with a significant elements likely to be lost as part of any attempted renovation. I consider the policy gains for the street and the ACA would be further enhanced by the living over the shop proposal above which would be representative of town centre sustainable development in my view. I also note that a modern replacement building would bring other benefits such as increased energy efficiency which would also be consistent with local policy. Should permission be granted, I recommend the inclusion of a condition in relation to requiring best conservation practice in relation to the demolition works.



#### **7.4. Other Issues**

- 7.4.1. I note in relation to the proposed first floor level apartment that its floor area would be 71sqm for the two-bedroom unit. Noting the layout and that it is part of a building refurbishment scheme, I am satisfied in relation to apartment standards and the floor area proposed; and the layout and arrangement of the unit which includes an area of rear private open space and clerestory windows as well as rooflights for the living and kitchen area. I note this would meet the CDP standards in relation to apartment floor areas.
- 7.4.2. In relation to impacts on adjacent amenities to the rear, I note the new building would result in a modest extension by comparison with the existing building footprint. In this way, it would not unduly impact on the rear courtyard, and I note that no first floor level windows are proposed other than the rear facing window which would face a wall and the small bathroom window, which should permission be granted can be conditioned to be in opaque glass. Accordingly, noting the design of the rear element in relation to the adjacent courtyard and other properties, I do not consider that it would give rise to undue overlooking, overbearing or overshadowing impacts in the town centre location. Overall, I am satisfied with the design of the proposed new building as I consider there would be no undue impacts on property in the vicinity or on the streetscape and ACA.
- 7.4.3. I note the submitted drainage network drawings and details and the town centre serviced location. Should permission be granted I recommend a standard condition to ensure drainage matters are dealt with on site. I also recommend a standard condition in relation to connection to the Uisce Éireann water and sewer network.
- 7.4.4. In relation to the proposed ground floor restaurant, I note this includes a takeaway element. CDP policy seeks to avoid a proliferation or excessive concentration of takeaways. I note that while there is a takeaway shop further down the street on the opposite side of the road, I do not consider that James Street or the area in the vicinity to be characterised by an excessive concentration of takeaways and I consider this element acceptable. Should permission be granted I recommend a standard condition in relation to the management of odour emissions. I note the proposed layout, with no outdoor terrace proposed, is such that I am satisfied that there would be no significant noise impacts noting the town centre location.

## 8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 9.0 Appropriate Assessment Screening

- 9.1. I have considered the I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.1.3km east of Clew Bay Complex Special Area of Conservation (SAC).
- 9.2. The proposed development comprises demolition of existing public house and residential building and construction of a café restaurant with dine-in and takeaway services, two bedroom apartment and shopfront. No nature conservation concerns were raised in the planning appeal.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- The small scale nature of the works and urban type development.
  - The significant distance from the nearest European site and lack of connections.
  - Taking into account the screening report/determination by the P.A..
- 9.5. I conclude, 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 (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1. The subject site is located above the Newport groundwater body (IE\_WE\_G\_0023) (status “good”) and c.88m south-west of the Carrowbeg (Westport)\_030 river water body (IE\_WE\_32C050300) (status “moderate”).
- 10.2. The proposed development comprises the demolition of existing public house and residential building and construction of a café restaurant with dine-in and takeaway services, two bedroom apartment and shopfront. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- The small scale nature of the development and the connection to the public mains sewer with the Wesport WWTP noted to have available capacity.
  - The distance from the nearest water bodies and lack of hydrological connections.
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

## 11.0 Recommendation

I recommend that permission be granted.

## 12.0 Reasons and Considerations

Having regard to the provisions of the Mayo County Development Plan 2022 – 2028 and the Westport Local Area Plan 2024-2030, the town centre zoning of the site, in particular to the poor structural condition of the existing structure on the site notwithstanding its architectural heritage value, to the nature and scale of the proposed development and its relationship with the surrounding area and the Westport Architectural Conservation Area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, and in terms of residential standards. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 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. The first floor level window serving the bathroom shall be in opaque glass which shall be permanently fixed and maintained.

Reason: In the interests of residential amenity.

3. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

4. Prior to commencement of works, the developer shall make a record of the existing structure, which record shall include:
  - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
  - (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive and to the planning authority.

Reason: In order to establish a record of this structure which is of regional architectural merit.

5. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

6. Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Site development and building works shall be carried out between the hours of 07.00 and 19.00 Mondays to Fridays inclusive, between 08.00 and 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

9. 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 Coimisiún 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.

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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Ciarán Daly

Planning Inspector

3<sup>rd</sup> September 2025

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322639-25
<b>Proposed Development Summary</b>	Demolition of existing public house and residential building and construction of a café restaurant with dine-in and takeaway services, two bedroom apartment and shopfront.
<b>Development Address</b>	James Street, Westport, Co. Mayo.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	



<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Part 2, Class 10(b)(i) and (iv)</p> <p>Threshold: Construction of more than 500 dwelling units. Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322639-25
<b>Proposed Development Summary</b>	Demolition of existing public house and residential building and construction of a café restaurant with dine-in and takeaway services, two bedroom apartment and shopfront..
<b>Development Address</b>	James Street, Westport, Co. Mayo.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b>  Demolition works of 167sqm over two floors. New two storey building of 153sqm. Site area 0.023ha.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>Briefly comment on the location of the development, having regard to the criteria listed</b>  The site is within the town centre and is not located close to any environmentally sensitive sites. The site is part of the Westport Architectural Conservation Area and I have assessed above its impact on same which I have found to be acceptable.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Nature of the development with no significant pollution at construction or operational stages, such that no likely significant effects on the urban environment arise.

cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)