



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/1147

Appeal by RR Property Fund care of Michael Barker and Company Limited of Riverpoint, Lower Mallow Street, Limerick against the decision made on the 3rd day of July, 2019 by Limerick City and County Council in relation to the application by RR Property Fund for development comprising (1) Restoration of The Worralls Inn (a protected structure) and its change of use to two commercial units on the ground floor and two apartments on the first floor, (2) a two-storey rear extension comprising two apartments and two duplex units and a rear access to The Worralls Inn units, (3) a revised layout of the public realm of Bruach na Sionna incorporating an equipped childrens playground, demarcated green areas and revised and extended car-parking provision, and (4) miscellaneous ancillary works and associated site works including provision of bin, cycle and general storage areas, services, landscaping, walls and associated site works, all at “The Worralls Inn” a protected structure (RPS1092), Main Street and Bruach na Sionna, Castleconnell, County Limerick. The proposed development was revised by further public notices received by the planning authority on the 6th day of June, 2019, to comprise construction of seven dwellings and two offices, with roads, services landscaping, carparking and associated works, all in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for provision of bin, cycle and general

storage areas, services, landscaping, walls and associated site works to Bruach na Sionna and a revised layout of the public realm of Bruach na Sionna incorporating an equipped childrens playground and demarcated green areas and to refuse permission for (1) restoration of The Worralls Inn and its change of use to two commercial units on the ground floor and two apartments on the first floor, (2) a two-storey extension comprising two apartments and two duplex units and a rear access to The Worralls Inn units).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Limerick County Development Plan 2010 – 2016, the Castleconnell Local Area Plan 2013 – 2019 (extended to 2023), the pattern of development in the area, and 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 not adversely affect the setting of the protected structure, would significantly improve the visual and residential amenities of the Bruach na Sionna housing estate, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the restoration, change of use, and extension of The Worralls Inn, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not encroach unduly upon the setting of, or inappropriately compete with, the protected structure. Furthermore, it is considered that the proposed development would not adversely affect the setting of the protected structure and, accordingly, would be compliant with Objective EH 2 of the local area plan in relation to protected structures.

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 on the 4th day of April 2019, 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 development shall be amended as follows:
 - (a) The list of works to the protected structure shall include a central chimney within the building and a projecting lantern above the front door, as existed prior to the fire.
 - (b) The link between the protected structure and the townhouses shall be an appropriately designed glazed extension.
 - (c) The ridge heights of the terrace of townhouses shall each be reduced by an equal amount of approximately 0.5 metres, such that the revised height of the higher ridge is equal to, or lower than, the ridge height of the existing pair of semi-detached dwellinghouses to the north-east.
 - (d) The single storey dwelling to the rear of dwellings numbered 1 to 4 (inclusive) of Bruach na Sionna shall be omitted.

Prior to commencement of development, revised drawings showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to restore the streetscape presence and not adversely affect the setting of the protected structure, and in the interest of orderly development.

3. The revised layout of the public realm of Bruach na Sionna, incorporating the equipped childrens playground, demarcated green areas, and revised and extended car-parking provision, and the miscellaneous ancillary works including provision of bin, cycle and general storage areas, services, landscaping, walls and associated site works, in so far as these apply to the existing Bruach na Sionna estate, shall be completed to the written satisfaction of the planning authority, prior to the commencement of any works to the protected structure or the construction of the townhouses.

Reason: In the interest of orderly development.

4. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façade and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

5. Prior to commencement of development, the developer shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

6. A bat survey shall be carried out on the protected structure by a suitably qualified ecologist. If bat species are found to be roosting in the building, detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any works to the protected structure.

Reason: In the interest of wildlife protection.

7. The landscaping scheme shown on the landscape planning layout, as submitted to the planning authority on the 4th day of April 2019, shall be carried out within the first planting season following substantial completion of the reorganisation of on-site car parking. In addition to the proposals in the submitted scheme, the site of the omitted single storey dwelling shall be landscaped in a similar manner to the area opposite and to the rear of the dwellings numbered 6 to 9 (inclusive).

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Prior to the development of the proposed play area, a scheme showing a detailed design and layout of this area shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to afford the planning authority the opportunity to control these details, in the interest of amenity.

9. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

13. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed development without a prior grant of planning permission.

Reason: In the interest of residential amenity.

14. Proposals for a house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. The construction of the development shall be managed in accordance with a Construction 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, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

18. Site development works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

20. 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.

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.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.