



An
Bord
Pleanála

Inspector's Report ABP 301365-18

Development	Change of Use: Ground floor commercial unit (171 square metres) to betting shop and associated site works.
Location	Townspark Third Division, Tuam, Co. Galway.
Planning Authority	Galway County Council
P. A. Reg. Ref.	18/43.
Applicant	Bar One Racing
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Isaac Connolly
Observer	
Date of Site Inspection	24 th July, 2018.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

1.1. The site has a stated area of 200 square metres and is that of a three storey Victorian terraced house with rear extensions which is located, on the east side of Market Square at Townparks Division, at the centre of Tuam opposite the junction with High Street. Bishop Street is to the north and Vicar Street is to the south. There is a ground floor retail unit, a separate entrance to the house and a coach arch to the side providing access to a small rear yard. The ground floor retail unit extends through the entire depth of the ground floor, is open plan with a counter and ancillary storage and bathroom facilities at the rear end. The upper floor is in residential use in two apartments for which permission was granted under P. A. Reg. Ref. 04/1447.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for permission for change of use to use as a betting shop from retail use. The ground floor plan indicates proposals for counter areas at the side, seating and tables at the centre, vending machines and storage and toilet facilities which are suitable for wheelchair access. The stated floor area is 171 square metres. A shopfront and individually mounted lettering on the fascia are also included in the application.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 14th March 2018, the planning authority decided to grant permission for the proposed development subject to six conditions of a standard nature. A compliance submission is required under Condition No 1 on the proposals for the shopfront, lighting and lettering.

3.2. **Planning Authority Reports**

The planning officer comments in her report that there are limited betting shop facilities in the immediate area, that no additional carparking is required, to facilitate the proposed change of use and she indicates that she considers the proposed development satisfactory.

No other technical reports are on file

3.3. **Third Party Observations**

The submissions received from two parties indicate concerns as to a potential proliferation of betting shops along with implications for the viability and vitality of the town centre and concerns about potential for anti-social behaviour. It is also submitted that the details provided in the application are insufficient.

4.0 **Planning History**

According to the planning officer's report the site has the following planning history:

P. A. Ref. Ref. 05/2694: Permission was granted for a single storey extension and for reconstruction of a two storey storage facility.

P. A. Ref. Ref. 04/1447: Permission was granted for conversion of the upper floors to two apartments and a new entrance to the existing residential unit over the shop.

5.0 **Policy Context**

5.1. **Development Plan**

The operative county Development Plan is the Galway County Development Plan, 2017-2023.

The operative Local Area Plan is the Tuam Local Area Plan, 2011-2017. The Review is nearing completion for the Draft Tuam Local Area Plan in respect of which at the time of writing, SEA and AA was being carried out on proposed material alterations to the draft Tuam LAP 2018-2024.

According to both plans the site is within an area subject to the zoning objective: C1 – *Town Centre - Commercial*. A betting shop is ‘open for consideration’.

The site location is also within an Architectural Conservation Area. (ACA)

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Isaac Connolly of 59 Palace Gardens, Tuam on his own behalf on 5th April, 2018 according to which:

It is not stated in the application that the location is within the ACA. The proposed shopfront and use might affect the ACA.

Another bookmaker’s business should not be located within the town centre because there are enough bookmakers at present and there is a further application for permission for a bookmakers’ nearby.

The application does not include details of drainage, levels and connections. It is queried if drainage will be by gravity or if a pumped system and, if additional manholes in the footpath are required.

It is not shown whether the property will have adequate space for lighting and ventilation suitable for the proposed use. The application should be invalidated.

If it is the intention of the applicant to provide a coffee shop the description in the public notices should include these details.

6.2. Applicant Response

There is no submission on file from the applicant.

6.3. Planning Authority Response

There is no submission on file from the planning authority.

7.0 Assessment

7.1. The issues considered central to the determination of the decision and considered below are:

- Vitality and Viability of the Town Centre - Proliferation of betting shop development.
- Impact on the Architectural Conservation Area.
- Validity of the application and adequacy of application documentation.

Vitality and Viability of the Town Centre - Proliferation of betting shop development.

7.2. Tuam is an important settlement in north east Galway with a large rural hinterland and a population catchment of circa 27,000 persons. During the course of the inspection it was noted that commercial retail and restaurant developments and a hotel are located within and in the immediate vicinity of Market Square with some residential use on some upper floors. Towards the outer edges of the historic core of the town some premises at ground floor level are vacant.

7.3. Other betting shops operating in the town include Boyle Sports on High Street, Paddy Power at Foster Place, Ladbrooks at Vicar Street and Celtic Bookmakers' on the Square. It is considered that a presence by the main bookmaker companies in a town of the size of Tuam is reasonable. There is no clear basis on which it can be argued that the vitality and viability of the commercial life of the town, having regard to the retail strategy at county and local level, would be adversely affected by operation of an additional bookmaker's premises at the proposed site location in the town centre. The contentions as to anti-social behaviour is noted but it is considered that there is no evidence specifically related to the proposed use that supports an argument that the proposed development itself would have direct significant adverse impact on the amenities of the public realm.

Impact on the Architectural Conservation Area. (ACA)

7.4. The building in which the proposed development is to be located at ground floor level in a fine nineteenth century building that contributes positively to the visual amenities and architectural character of Market Square which is a central and prominent

location within the town centre. There is sufficient information in the application to facilitate consideration of the impact of the proposed development on the ACA. Subject to finalisation of minor details for design, materials, textures, finishes, fascia signage and external lighting, by way of a compliance submission required by condition, it is considered that the application drawings adequately and satisfactorily indicate proposals for the ground floor front façade that are appropriate and acceptable for the ACA and the visual amenities of the streetscape. Should the decision to grant permission be upheld an appropriate condition can be attached in which a compliance submission is required.

Adequacy of application documentation – Validity of the application.

- 7.5. Further to review of the documentation submitted with the application it is concluded that sufficient detail including servicing are available to facilitate a planning assessment for the proposed change of use of an existing, serviced retail unit to a betting shop are available. Comprehensive details of layout for drainage arrangements, ventilation and internal lighting are considered inessential prior to determination of a decision. Attachment of appropriate conditions are sufficient.
- 7.6. The application does not include proposals for a coffee shop according to the details provided although it is noted that provision for a vending machine is shown on the floor plan. This element is considered *de minimis* and ancillary to the betting shop use. Operation of a coffee shop would not be authorised by way of a grant of permission for the current proposal.

Appropriate Assessment.

- 7.6.1. Having regard to the scale and nature of the proposed development and to the serviced central business district location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the decision of the planning authority to grant permission be upheld and that the appeal be rejected. Draft Reasons and Considerations and Conditions follow:

9.0 Reasons and Considerations

Having regard to the size and significance of Tuam in County Galway as an important regional settlement with a large rural hinterland, to the zoning objective: “C: Town Centre/Commercial”, to the proposed location within an existing ground floor commercial unit in the town centre, to distribution existing betting office development in the central commercial core of Tuam, and, to the extent of changes to the existing shopfront and fascia proposed comprising fascia painting and individually mounted lettering, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and the visual amenities and architectural character of the of the Architectural Conservation Area would not adversely affect the viability and vitality of the town centre and would, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed shopfront shall be in accordance with the following requirements:-
 - (a) Signs shall be restricted to a single fascia sign using sign writing, hand-painted lettering or individually mounted lettering,
 - (b) Lighting shall be external only.
 - (c) no external roller shutters, awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(d) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of the visual amenities of the architectural conservation area.

3 Drainage arrangements shall be in accordance with the requirements of the planning authority.

Reason: In the interest of clarity.

Jane Dennehy
Senior Planning Inspector
25th July, 2018.