



An
Bord
Pleanála

Inspector's Report ABP-304938-19

Development

- (1) Restoration of Worralls Inn (protected structure) and its change of use to 2 commercial units on the ground floor and 2 apartments on the first floor,
- (2) A two-storey rear extension comprising 2 apartments and 2 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 children's playground, demarcated green areas and revised and extended car-parking provision, and
- (4) Miscellaneous ancillary works and associated site works.

Location

Main St. & Bruach na Sionna,
Castleconnell, Co. Limerick

Planning Authority

Limerick City & County Council

Planning Authority Reg. Ref.	18/1147
Applicant(s)	RR Property Fund
Type of Application	Permission
Planning Authority Decision	Split decision
Type of Appeal	First Party v Refusal
Appellant(s)	RR Property Fund
Observer(s)	None
Date of Site Inspection	24 th October 2019
Inspector	Hugh D. Morrison

Contents

2.0 Site Location and Description	4
3.0 Proposed Development	4
4.0 Planning Authority Decision	5
4.1. Decision	5
4.2. Planning Authority Reports	6
5.0 Planning History.....	7
6.0 Policy and Context.....	8
6.1. Development Plan.....	8
6.2. Natural Heritage Designations	8
6.3. EIA Screening	8
7.0 The Appeal	9
7.1. Grounds of Appeal	9
7.2. Planning Authority Response	10
7.3. Observations	10
7.4. Further Responses.....	10
8.0 Assessment.....	10
9.0 Recommendation.....	16
10.0 (i) Reasons and Considerations	16
11.0 Conditions	16
12.0 (ii) Reasons and Considerations.....	18

2.0 Site Location and Description

- 2.1. The site is located in the centre of Castleconnell. It lies on the eastern side of Main Street, which is composed of dwelling houses, creches, shops, cafes, public houses, a post office, and a parish church and hall. This site comprises two distinct portions: the site of The Worralls Inn and the Bruach na Sionna housing estate, including a row of shops and a café along the initial portion of the access road to this estate.
- 2.2. The site of The Worralls Inn is of regular shape and it extends over an area of 0.077 hectares. This site accommodates the Inn, which is a two-storey building that addresses Main Street. This building has a floorspace of 228 sqm and it is presently vacant having been last used as a public house. The building is accompanied by a paved courtyard to the front, which is enclosed by dwarf walls and railings, and a yard area to the rear, which is composed of outbuildings and enclosed spaces. A vehicular gateway to the rear portion of this yard is accessed off a laneway that runs along the northern side of this site.
- 2.3. The Bruach na Sionna housing estate is accessed by means of a road that runs along the southern side of the aforementioned site. This estate is of amorphous shape and it extends over an area of 1.78 hectares, including 0.815 hectares of public areas. The estate is laid out around a network of shared surface roads, which terminate in cul-de-sacs. It is composed of 68 dwellings, the majority of which are of terraced two storey form, with a minority of either semi-detached two storey form or they are accommodated in 1 of 2 three storey blocks. The two storey dwellings are served by rear gardens and there are 120 car parking spaces.

3.0 Proposed Development

- 3.1. The proposal consists of the following items:

In relation to The Worralls Inn site:

1. Restoration of the Inn (protected structure RPS 1092) and its change of use to 2 commercial units on the ground floor and 2 apartments on the first floor,
2. A two-storey rear extension (345 sqm and 16 sqm comprised in a store) comprising 2 apartments and 2 duplex units and a rear access to units proposed for the Inn.

In relation to the Bruach na Sionna housing estate:

3. A revised layout of the public realm incorporating an equipped children's playground, demarcated green areas, and revised and extended car-parking provision, i.e. an additional 42 spaces, and
 4. Miscellaneous ancillary works, including provision of bin, cycle and general store areas, services, landscaping, walls and associated site works.
- 3.2. Following receipt of further information and clarification of this information, a single storey dwelling house was included within the proposal in the place of car parking to the rear of existing dwelling units Nos. 1 – 9 (inclusive). Additionally, an alternative option for The Worrall Inn site was submitted, i.e. the new build as a freestanding rather than an attached element.

4.0 Planning Authority Decision

4.1. Decision

Following receipt of clarification of further information, the Planning Authority made a split decision. Thus,

Items (3) and (4) in the description of the proposal were permitted, subject to 2 conditions, the second of which states the following:

These works shall be carried out within 3 months of the receipt of this notification. Photographic evidence of the completed works shall be submitted to the Planning Authority for written agreement within 1 month of the completion of the said works.

Reason: In the interest of the proper planning and orderly development.

Items (1) and (2) were refused on the following grounds:

- The proposed extension would encroach unduly on The Worralls Inn,
- An over-concentration of residential development would ensue that would be served by deficient open space and inadequate car parking facilities, and
- The introduction of a single storey dwelling house in a backland location would add to the aforementioned over-concentration.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Further information was sought with respect to the following:

- Revisions:
 - Extension to be freestanding,
 - Residential units to be accompanied by defensible space,
 - Car parking provision to be made for residential units,
 - Greater design detail of extension,
 - Bin store to be discrete,
 - Elevational details to be streamlined and a single version settled upon,
 - Private open space to be allocated to residential units, and
 - Proposals for the existing estate welcomed.
- Refurbishment Demolition Asbestos Survey to be carried out.
- Revisions to the proposed changes to roads and footpaths.
- Revisions to proposed car parking and addition of cycle parking.
- Revisions to and additional information on surface water drainage arrangements.
- Revisions to public lighting.
- Detailed depiction of The Worralls Inn, which is a protected structure, along with statement justifying proposed works and accompanying methodologies, copies of relevant certificates, and implications of service provision.

Clarification of further information was sought with respect to the following:

- Explanation for addition of single storey dwelling house,
- Four units at Nos. 5 – 8 to be reduced to three to “free up” design approach,
- Four commercial units to revert to two, and
- Timetable for works to public realm.

4.2.2. Other Technical Reports

- Irish Water: Standard observations
- Fire Officer: No objection.
- Limerick City & County Council:
 - Roads: Following receipt of further information, no objection, subject to conditions.
 - Environmental Services: Further information requested, no comments following receipt of the same.

5.0 Planning History

- 90/0686: Kitchen/restaurant extension to The Worralls Inn and replacement of portion of boundary wall: Permitted.
- 05/0513: Demolition of premises known as Sheehans to facilitate access to development comprising: 8 retail/office units, 17 apartments, 43 townhouses, and car parking.
- 06/0064: Construction of extension and alteration to site layout to incorporate 7 townhouses: Permitted.
- 06/3707: 22 townhouses: Permitted.
- 06/3708: Change of use from originally granted 8 retail units to 8 residential units: Refused on the grounds of loss of mixed usage from the scheme and over concentration of residential use without any open space.
- 07/3033: Window changes: Permitted.
- 08/1006: Site layout and boundary wall changes: Permitted.
- 17/0954: Similar proposal to the current one with respect to The Worralls Inn, only proposed rear extension was for 7 apartments: Refused on the grounds that the extension would encroach unduly on The Worralls Inn and over concentration of residential use without any open space and with inadequate car parking.

- Pre-application consultations were held on 19th August 2017 and 20th February 2018.
- Part V Exemption Certificate granted to shadow current proposal.

6.0 Policy and Context

6.1. Development Plan

Under the Limerick County Development Plan 2010 – 2016 (CDP), Castleconnell is identified as a Tier 3 Centre on a Transport Corridor. Under the Castleconnell Local Area Plan 2013 – 2019 (extended to 2023) (LAP), the south western portion of the site is zoned village centre, while the remainder of the site is zoned existing residential. The majority of the former zoning also coincides with an ACA designation¹. The Worralls Inn is a protected structure, i.e. RPS no. 1092². Objectives EH1 and EH2 of the LAP address ACAs and protected structures. The former, amongst other things, seeks to “retain/incorporate/replicate exterior features which contribute or enhance the character and streetscape of the ACA”, while the latter, amongst other things, undertakes to resist “development that would adversely affect the setting of the protected structure.”

Map No. 2 shows a potential pedestrian/cycle route/link passing through the site.

6.2. Natural Heritage Designations

Lower River Shannon SAC (site code 002165)

6.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 1.78-hectare site to provide 4 + 1 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant

¹ Map No. 3 shows the extent of this ACA.

² It is identified, too, by the NIAH under ref. no. 21807014 and rated “Regional”.

thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant has appealed both parts of the split decision. Thus, in relation to the refusal he cites the following grounds of appeal:

- In relation to the first reason, attention is drawn to the “derelict” condition of The Worralls Inn and to its rear yard that accommodates a flat-roofed, concrete block store. The said yard would be redeveloped to provide a building that would comprise 4 residences. This building could be a separate structure or an extension to the Inn. The applicant’s conservation architect has expressed a preference for the latter option as it would entail the provision of a subsidiary entrance to the rear of the protected structure, which would enable the special internal integrity of this structure to be retained, at no perceptible cost to its curtilage.
- In relation to the second reason, in tandem with the proposals for The Worralls Inn, the development would entail the provision of an additional 745 sqm of green and recreational space, including a children’s play-area, and an extra 25 car parking spaces. These works would more than compensate for the proposed increase in residential density, which is, in any event, a questionable concern of the Planning Authority’s, as the site is located in the centre of Castleconnell.
- The site of the proposed single storey dwelling house has not proven suitable as either a car park or an amenity area, being a discrete backland part of the site. The applicant offered to provide the plot for this dwelling house to the Housing Authority, in addition to its Part V obligation for the overall development. In the light of the above cited works and commentary on the site’s location and in the light of national planning policy that favours

increased densities, the Planning Authority's concern over any increase in density resulting from the said dwelling house is misplaced.

In relation to the permission, the applicant draws attention to the second condition, which it considers to be unreasonable, impractical, and probably *ultra vires*. Thus, this condition requires that works to the existing estate be undertaken within 3 months of this permission and yet the permission has a 5-year life. Instead, the Planning Authority should have attached a phasing condition, especially as the applicant regards the current proposal as an integrated whole, i.e. both the works to the existing estate and the refurbishment and extension of The Worralls Inn.

7.2. **Planning Authority Response**

None

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 **Assessment**

8.1. I have reviewed the proposal in the light of national planning guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Conservation,
- (ii) Development standards,
- (iii) Works,
- (iv) Water, and
- (v) Stage 1 Screening for AA.

(i) Conservation

8.2. The Worralls Inn is a protected structure and an entry on the NIAH. The applicant has submitted a Heritage Assessment of this Inn, which outlines its history. This Assessment summarises the present state of the Inn as follows:

Since the fire in 2014 the building has lost most of its historic features: roof, central chimney, window and door joinery, internal partitions (except the central partition), fixtures, fittings, joinery and plasterwork. All that remains are the external walls – except for the south-east part of the rear wall, which has been rebuilt in concrete blocks – the openings and the walls and ironwork at the front of the building. The new roof, constructed after the fire, with the overhanging barge (which imitates the later 20th Century roof that existed in 2014) takes away from the historic character of the building.

8.3. Essentially, the remaining conservation interest of the Inn pertains to its exterior and streetscape presence, especially within the context of Main Street and the ACA. The Assessment thus proceeds to itemise the proposed works to the Inn and the enclosed forecourt to the front of it. These works would include the replacement of the existing roof with one that would replicate the original and the installation of timber joinery sliding sash windows in all window openings. The missing section of railings from the LHS of the front boundary wall would also be replaced.

8.4. I note that The Worrall Inn lies within the LAP's village centre zoning and so I consider that the proposed 2 ground floor commercial units and 2 first floor one-bed apartment units would be appropriate in principle from a land use perspective. These new uses could be introduced to the building with the need for minimal new openings in the external elevations, i.e. only a ground floor door and w.c. window in the rebuilt portion of the rear elevation. I consider that, as this window would be publicly visible, it should be omitted. The only surviving internal partition within this building would be retained and augmented by new ones to facilitate the said uses.

8.5. I note, too, that, prior to the fire, there was a central chimney within the building and a projecting lantern above the front door. Insofar as the above cited works aim to restore the streetscape presence of this building, these two items should be included within the list of proposed works. Furthermore, all of these works should be the subject of methodologies that demonstrate their appropriateness in terms of good conservation practice.

- 8.6. As originally submitted, the proposal would entail the demolition of outbuildings in the rear yard to The Worrall Inn and the redevelopment of this yard to provide a two storey extension within which 4 two-bed townhouses would be sited. Under further information, the applicant submitted a revised design of this extension and an alternative “Option B” that would entail a freestanding building. However, the applicant expressed the view that this Option was less desirable, as it would entail forfeiting the opportunity to provide a staircase within the link element between the building and the extension proper. Consequently, Option B would involve internalising the staircase within the building with knock-on effects that would result in less attractive floor layouts. Ultimately, the Planning Authority took exception to the new build proposal under either option on the grounds that it would encroach unduly upon The Worralls Inn.
- 8.7. I note that the submitted contextual elevations of the proposed townhouses shows that their ridge heights would be higher than that of The Worralls Inn, which would be 2.4m to the south west, and an existing pair of semi-detached dwelling houses, which would be 2.2m to the north east. I note, too, from my site visit that the corresponding buildings on the opposite side of the access road to the Bruach na Sionna housing estate are of single storey form and so they read as ancillary in scale to the adjoining two storey building that fronts onto Main Street.
- 8.8. I consider that the scale and proximity of the proposed townhouses would cause them to encroach unduly upon The Worrall Inn. I consider, too, that the typology on the opposite side of the access road points to a more satisfactory set of relationships. That said, I further consider that, as The Worrall Inn is a protected structure, its legibility as such would be served by avoiding a link between it and any new build residential development to the rear. Nevertheless, in recognition of the applicant’s floor layout concerns, I would not want to exclude the possibility that an appropriately designed glazed extension to the rear elevation could be proposed to facilitate a staircase and animate this elevation.
- 8.9. I conclude that, while the proposed works to The Worralls Inn could be augmented to ensure that the conservation interest of this protected structure is restored, the townhouses proposed for its rear yard would, due to their scale and proximity, fail to respect its setting and so they would compete unduly with its streetscape presence.

(ii) Development standards

- 8.10. As originally submitted, the first floor of The Worralls Inn would be converted to provide 2 one-bed/two-person apartments with a floorspace of 52 sqm each. Subsequently, under “Option B”, their areas would contract to facilitate a staircase and a landing and, as discussed under the first heading of my assessment, the layout of apartment no. 3, especially, would be considerably tighter. Under both options these apartments would have no dedicated open space, but they would have shared open space to the rear of The Worralls Inn, along with external storage and a bicycle shed.
- 8.11. As revised the proposed 4 townhouses would be two-bed/three person units, each with a floorspace of 80 sqm. These townhouses would be orientated on south south east/north north west axis with front and rear gardens. They would each be further served by a parallel car parking space to the front.
- 8.12. Under further information, the applicant added into the proposal an extra dwelling house in the form of a 2-bed/4-person bungalow, which would have a floorspace of 75 sqm. This bungalow would be sited in a car parking area to the rear of the existing residential units numbered 1 – 4 (inclusive). It would be orientated on east north east/west south west axis and it would be accessed through a vehicular passageway that runs through the block that comprises residential units numbered 1 – 9 (inclusive).
- 8.13. The Planning Authority raised objection to the said bungalow on the grounds that it would constitute backland development and that it would raise the density of the Bruach na Sionna housing estate, which is considered to be lacking in open space and in car parking spaces.
- 8.14. The applicant has provided some background information to the proposed bungalow. It states that the car parking area that it would supersede has not proven successful and that this bungalow would be allocated to the Housing Authority under Part V of the Planning and Development Act, 2000 – 2019. The applicant also questions the Planning Authority’s critique in the light of the proposed improvements to open space and car parking provision that it is bringing forward under the current application and in the light of national and local planning policies that encourage densification.

- 8.15. During my site visit, I viewed the site of the proposed bungalow. This site is laid out for car parking and it presents as a utilitarian space, e.g. wheelie bins were in evidence, that is under-utilised. The site itself is walled-in on three of its four sides and it is overlooked by first floor rear elevation windows in the aforementioned block and a neighbouring block. The remaining side would overlook a retained car parking area and extended green area (grass and shrubs).
- 8.16. I am concerned that the proposed bungalow would read, within its context, as an arbitrary addition to the estate, which would appear out of place and which would afford, qualitatively, a poor standard of amenity to future occupiers.
- 8.17. I conclude that the first floor apartments proposed for The Worralls Inn, as originally envisaged, would afford a satisfactory standard of amenity to future occupiers. I also conclude that the proposed town houses, as revised, under either option would afford a satisfactory standard of amenity to future occupiers, but that the proposed bungalow would fail, qualitatively, in this respect.

(iii) Works

- 8.18. Under items (3) and (4) of the proposal various works would be undertaken to the Bruach na Sionna housing estate. These works are depicted on the submitted site plans and they would include the resiting, formalisation, and augmentation of car parking spaces, the expansion and augmentation of green areas, the provision of seating and a 200 sqm children's play area, the augmentation of soft planted areas, and repairs and alterations to the storm water drainage network.
- 8.19. During my site visit, I observed that, at present, the housing estate has in places a somewhat spartan feel, due to the unrelieved use of the same surface finishing material and a lack of green and soft planted areas. The absence, too, of a children's play area in an estate of mainly family-sized dwelling houses was also evident. In these circumstances, the proposed works outlined above would be most welcome.
- 8.20. The Planning Authority's draft permission for the said works included condition, denoted as no. 2, which requires that these works be undertaken within 3 months of the date of this permission. The applicant has appealed this condition on the basis that it is "unreasonable, impractical, and probably *ultra vires*". Instead it suggests that a phasing condition should be attached that would knit together these works with the other elements of the proposal.

- 8.21. I concur with the applicant's critique of condition no. 2. I concur, too, in principle with the suggested phasing condition, although, as I am unable to support the new build elements of the proposal, I am not in a position to require that the said works be phased in conjunction with these elements. If, in practise, the applicant requires that the two proceed in tandem, then the challenge for it would be to overcome the outstanding objections to these elements.
- 8.22. I conclude that the works proposed for the Bruach na Sionna housing estate would enhance the visual amenities and functionality of this estate.

(iv) Water

- 8.23. The Worralls Inn and the Bruach na Sionna housing estate are served by the public water mains and the public sewerage system. The new uses of the Inn and the new build townhouses and bungalow would, likewise, be served by these public infrastructures. Irish Water has raised no objection in this respect.
- 8.24. The stormwater drainage network on the Bruach na Sionna housing estate was the subject of a request for further information at the application stage. The applicant thus stated that, although this network was designed to parameters that have now been superseded, any predicted risk of flooding under 1 in 100 year flood events + 10% allowance for climate change has effectively been mitigated by the specification of pervious paving.
- 8.25. The OPW's flood maps website shows that there is a risk of fluvial flooding from the River Shannon to the west of the site. However, the area at risk does not extend to this site itself and, likewise, access/egress along Main Street from the south south east would be unaffected.

(v) Stage 1 Screening for AA

- 8.26. The site does not lie within a Natura 2000 site. The Lower River Shannon SAC (site code 002165) abuts the western side of Castleconnell c.110m to the west of the subject site. However, the site is a fully serviced one in the centre of the settlement and so I do not consider that the proposal would be likely to have any significant effects on the Conservation Objectives of the said SAC or any other Natura 2000 sites in the wider area.

8.27. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. That the proposal be the subject of a split decision and so items (3) and (4) should be permitted and items (1) and (2) should be refused.

10.0 (i) Reasons and Considerations

It is considered that, subject to conditions, the works identified under items (3) and (4) of the proposal would enhance the visual amenities and the functionality of the Bruach na Sionna housing estate and so they would accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 and 6th day of June 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The permission hereby granted does not pertain to the items (1) and (2) of the description of the proposal and it does not pertain to the bungalow proposed under the plans and particulars submitted on the 4th day of April 2019 and 6th day of June 2019.</p>

	<p>Reason: For the avoidance of doubt.</p>
3.	<p>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.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <p>The site of the omitted bungalow shall be landscaped in a similar manner to the area opposite and to the rear of the dwellings numbered 6 – 9 (inclusive).</p> <p>All planting shall be adequately protected from damage until established.</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>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.</p> <p>Reason: In order to afford the Planning Authority the opportunity to control these details, in the interest of amenity.</p>
5.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

12.0. (ii) Reasons and Considerations

1. Having regard to Objective EH2 of the Castleconnell Local Area Plan 2013 – 2019 and to the scale and proximity of the proposed two storey building to the rear of The Worralls Inn, a protected structure, it is considered that this building would encroach unduly upon the setting of this structure and so the former would compete with the latter in an inappropriate manner. Consequently, the said Objective would be contravened, and the proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to (a) the siting of the proposed bungalow in a back land position in relation to adjacent residential blocks, (b) the enclosed nature of the site on three sides, and (c) to its utilitarian setting adjoining a rear car parking and turning area, it is considered that this bungalow would appear as an anomalous and incongruous addition to the Bruach na Sionna housing estate that would fail to afford a satisfactory standard of residential amenity to future occupiers. It would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

5th November 2019