



An
Bord
Pleanála

Inspector's Report ABP-305874-19

Development	Internal extension of existing mid-terrace licensed betting office (a protected structure) to incorporate the adjoining vacant retail premises and change of use of extended part of premises from retail to licensed betting office.
Location	Sarsfield Street, Kilmallock, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19/166
Applicant	Ladbrokes Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Tara O'Brien
Observer(s)	None
Date of Site Inspection	29 th January 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site comprises an existing mid-terrace three storey building with Ladbrokes betting office occupying the ground floor element and an adjoining retail unit (presently vacant) on the northern side of Sarsfield Street, within the centre of Kilmallock town. The units are part of a wider terrace of commercial buildings. The site is bound to the west and east by existing commercial premises, to the south by Sarsfield Street and to the north (rear) are the rear gardens and storage structures associated with the buildings fronting onto Sarsfield Street. There is on street paid parking available on both sides of Sarsfield Street adjacent to the subject site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following: -
- a. Internal extension of existing betting office (a protected structure) to incorporate the adjoining retail premises;
 - b. Formation of three structural openings through existing party wall;
 - c. The change of use of extended premises from retail to a betting office;
 - d. Amalgamation of the adjoining units;
 - e. Shop front signage;
- 2.2. Further information was requested regarding a number of issues. The issues related to: Submission of a conservation philosophy statement; Justification for the works; Fire safety documentation; Structural function of the walls and compensation measures to comply with best practice conservation guidance; Specifications and methodologies for external finishes; Details of service upgrades and details of opening hours. The further information submitted did not result in any material alterations to the design or layout of the development.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 9 no. conditions. The relevant conditions are noted below: -

Condition 1 Clarified that permission was granted for the development, including further information details.

Conditions 3 to 7 related to the use of best practice conservation measures during the works including the appointment of an architectural conservation consultant to oversee the works, agreeing external finishes/window and door type detailing and that proper records be maintained, written and photographic.

Condition 8-surface water drainage arrangements for the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Area Planners report recommended that permission be granted subject to conditions as outlined above.

3.2.2. Other Technical Reports

Fire Office: No objection, subject to conditions.

Environmental Report: No objection, subject to conditions.

Conservation Officer; No objection, subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. **Third Party Observations**

There was one submission made to the planning authority. The concerns raised are similar to those in the third-party appeal submission.

4.0 **Planning History**

Subject Site

Planning Authority reference number P08/1780-In 2008 Limerick County Council granted planning permission for a change of use at ground floor level from residential to commercial, permission for an apartment above, internal alterations, extension to rear, new shop front and signage, connection to public sewer and all associated site works.

Planning Authority reference number P09/1382-In 2009 Limerick County Council granted planning permission for a change of use at first floor from residential to commercial use and all associated site works.

5.0 **Policy and Context**

5.1. **Kilmallock Local Area Plan, 2019-2025**

The appeal site is zoned 'Town Centre' with the associated objective: To protect and enhance the character of Kilmallock's town centre to provide for, and improve retailing, residential, commercial, office, tourism related development, cultural and other appropriate uses. The zoning matrix does not include a licensed Bookmakers use within it and therefore the current proposals will to be assessed on its individual planning merits.

The appeal site is also within the boundary of the Kilmallock Architectural Conservation Area (ACA). However, from a perusal of the text pertaining to the ACA,s in chapter 6, it is apparent that the designation is primarily concerned with the collective arrangement of buildings on Sheares Street, Emmet Street, Lord Edward Street, and Wolfe Tone Street which it is stated are visually impressive

within the traditional streetscape. The following is set out in relation to new development within the ACA: Proposals for new buildings should not seek to dominate the historic core and should respect the historic fabric of the buildings and the morphology of their plots.

The relevant policy objectives are noted below: -

- Policy B4: Architectural Conservation Areas
- Policy B5: Archaeological Heritage.
- Policy B6: Town Walls.

Objective H5: Protected Structures and the National Inventory of Architectural Heritage (NIAH)

It is the objective of the Council to:

- (a) Protect structures listed on the Record of Protected Structures and structures proposed to be entered onto the RPS,
- (b) Encourage the appropriate re-use, conservation/restoration of these structures, and use of appropriate materials in the proposed works,
- (c) Require sensitive development proposals within the curtilage of these structures, and protect the viewshed of these structures,
- (d) Consider the list of the NIAH when assessing proposed developments.

The Council shall resist:

- i. Demolition of Protected Structures, in whole or in part;
- ii. Removal or modification of features of architectural importance; and
- iii. Development that adversely effects the setting and visual integrity of these structures.

Within Appendix 2 of the LAP the existing Ladbrokes premises is identified as being on the Record of Protected Structures as follows:

Reference Number 1370, Sarsfield Street, Kilmallock. Terraced three-storey, two-bay house, built c.1840. National Inventory of Architectural Heritage reference number 21813024.

5.2. **Limerick County Development Plan, 2010-2016 (as extended)**

The settlement strategy identifies Kilmallock as being within Tier 2. These locations are defined as Key Service Centres and act as main drivers of development and significant providers of services within their respective sub-regions. Tier 2 settlements will act as a base for high quality transport links to the core of the region. The relevant policies and objectives of the Limerick County Development Plan are set out below.

- Policy SS P7: Tier 2 settlements
- Chapter 10 : Development Management Guidelines is also relevant, Section 10.7.2-Shop front development and Section 10.10.2 Developments involving elements of the Architectural Heritage.

5.3. **National Guidance**

- Architectural Heritage Protection Guidelines for Planning Authorities (2011)- Department of Arts, Heritage and the Gaeltacht.

5.4. **Natural Heritage Designations**

None relevant.

5.5. **Environmental Impact Assessment - Preliminary Examination**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third-party appeal was submitted by Tara O'Brien. The concerns raised in the appeal are summarised below.

- The application should be invalidated as the public notices do not include the protected structure reference number and it is not clear if the existing Ladbrokes building is subject to the protection or is it the existing retail premises, subject to change of use which is protected or are both protected.
- The public notices fail to accurately reflect the extent of works proposed in terms of removal of the party wall save for three small piers being retained.
- No additional car parking is proposed to serve the development of a larger bookmakers office within this busy town.

6.2. Applicant Response

None received.

6.3. Planning Authority Response

None received.

6.4. Further Submissions

Further submissions were invited by the Board from the Development Applications Unit, Fáilte Ireland, The Arts Council, The Heritage Council and An Taisce and no comments were received from any of the parties.

7.0 Assessment

7.1. The main planning issues in this appeal relate to the detail of description and accuracy of the public notices and car parking provision. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Public Notices and Description of development
- Car parking provision

- Appropriate Assessment.

7.2. Public Notices and Development Description

7.2.1. The appellant is of the opinion that the applicant had failed to include the reference number pertaining to the protected structure and it is unclear if one or both structures concerned are subject to protection. There is no statutory requirement set out within the Planning and Development Regulations 2001 (as amended) requiring that the reference number of protected structures be included within the public notices. I am satisfied that the applicant has stated within the public notices that the existing Ladbrokes licensed betting office is a protected structure.

7.3. The development description details the formation of three structural openings within the party wall and the proposed change of use from retail use to use as a licensed betting office. I am satisfied that this development description accurately reflects the extent of the development works proposed.

7.4. Parking and Traffic

7.4.1. Concerns have been raised that the lack of additional dedicated car parking available to serve the proposed development. It is noted that the proposed change of use would result in the establishment of a betting office with a larger footprint. However, it is noted that this extended premises previously operated as a retail premises, therefore, it is considered the overall net impact on car parking/traffic would be minor to negligible.

7.4.2. A paid car parking system in the town centre is operated on-street and it was noted on the day of site inspection that there was a continual turnover of spaces along Sarsfield Street and on the adjoining streets within the town centre. It is also noted that there is a public car park located two hundred metres north-west of the appeal site off Sheares Street in the town centre. It is considered that there is sufficient car parking to accommodate the proposed development without impacting on the surrounding road network.

7.4.3. Having regard to the nature and scale of the proposed development, I am satisfied that the proposed development, in itself, is unlikely to generate a significant number of additional vehicular trips in itself to Kilmallock town centre, would not endanger public safety or result in any road safety issues.

7.5. ***Appropriate Assessment.***

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would 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. It is recommended that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the 'Town Centre' zoning objective of the subject site, the pattern of development in the area and the modest scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development, as described, would not adversely impact upon the architectural heritage of the building/area nor adversely impact on the car parking provision within the town centre. The proposed development would, therefore, 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 as amended by the further plans and particulars submitted on the 24th day of September 2019 by way of further information, 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. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the historic fabric of the building.

3. Details of the materials, colours and textures of all the external finishes, external windows and doors to be replaced within the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. In respect of the fabric to be removed, the masonry party wall shall be exposed through manual removal of all plaster on both faces of the elevations. Thereafter, the exposed faces are to be assessed by an appointed Architectural Conservation Consultant, in company with the Architectural Conservation Officer of Limerick City and City Council, for presence of historic, wrought stone and evidence of past openings. Satisfactory notice for the scheduling of these openings shall be given so that timely arrangements can be put in place.

Reason: In the interest of architectural heritage and the proper planning and sustainable development of the area.

5. Proper records of all works undertaken shall be maintained. These records shall include archival standard photographs taken before, during and after the completion of each stage of the work. Two copies of the final report, including photographs and records of reports previously submitted combined into a

cohesive document shall be submitted to the planning authority upon completion of the work. Samples of the exterior finishes, set out on a captioned panel, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of architectural heritage and the proper planning and sustainable development of the area.

6. Prior to commencement of development the applicant shall agree the hours of operation with the planning authority.

Reason: In the interest of amenities of property in the vicinity.

7. Site development and building works shall be carried out only between the hours of 0700 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.

8. 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

Fergal O'Bric
Planning Inspector

10th February 2020