



An
Bord
Pleanála

Inspector's Report ABP-310063-21

Development	Alterations to Ladbrokes betting office to include replacement of windows, relocation of entrance and further works.
Location	Ladbrokes Licensed Betting Office, 68 Main Street, Rathgoggan Middle, Charleville, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	204772
Applicant(s)	Ladbrokes Ireland Ltd
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Ladbrokes Ireland Ltd.
Observer(s)	None.
Date of Site Inspection	16 th July 2021.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. This appeal relates to the ground floor of an established three storey mid terraced building located at 68 Main Street (N20), Charleville, Co Cork. The ground floor premises forms is occupied by Ladbrokes Betting Office. Access to the unit is approximately centrally located within the shopfront while a separate doorway to the southwestern extent of the frontage serves as access to the upper floor separate residential use. The existing shopfront surround including pilasters is a modern insertion and of poor quality and in a poor state of repair. A powder coated metal corporate signboard is provided. The existing stall riser which has been exposed is of clay brickwork.

2.0 Proposed Development

- 2.1. The proposal as described in public notices involves permission for “alterations to shopfront to existing ground level single storey mid terraced Ladbrokes licensed betting office to include for all associated works namely replacement of existing glazed shopfront removal of timber clad masonry spandrels / stall risers, relocation and reconfiguration of main entrance to provide for enhanced universal access and all associated site development works.”
- 2.2. Application details indicate that the premises has been recently renovated internally to enhance universal accessibility. The alterations proposed within the application are intended to provide for a widened entrance and a clear wheelchair circulation zone within and on approach to the retail unit.

3.0 Planning Authority Decision

3.1. Decision

Following a request for additional information and three subsequent requests for clarification of additional information Cork County Council issued notification of the decision to refuse permission for the following reasons

“ By reason of the demolition and reconfiguration of an existing shopfront and having regard to the site location within an Architectural Conservation Area, it is considered

that the proposed development would seriously detract from the architectural character and special interest of the ACA and would be contrary to Objective HE4-5 of the current Cork County Development Plan which aims to conserve and enhance the special character of the Architectural Conservation Areas included in the plan. The proposed development would, therefore, materially and adversely affect the character of the ACA and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial planner's report recommended deferral for further information to address Conservation Officer's concerns. A request for additional information issued seeking a revised layout more appropriate in historic reference, the retention of masonry stall riser, rationalisation of proposed window design omitting the tramsons and adopting use of panes of glass divided vertically by mullions. Revised drawings at a scale of 1:40 and section drawing of proposed mullions which should have a raised profile. Applicant was advised to consult guidance document 'Shopfronts of County Cork: A Design Guide for the Historic Setting.'

Three further clarifications of further information requests were sought requesting an alternative layout evidenced by historical research. Vertical division not evenly proportioned and would be out of character.

Central location of the door to be retained for visual amenity purposes and to respect the original arrangement at this location.

Rationale for change to be outlined to include floor plan to enable examination of circulation space and layout arrangements.

Documentary evidence of the fabric of the building /shopfront and method of preservation of same.

Opening up works to be carried out to selected areas of the stall risers to establish their construction technique, material and presumed age of construction. Report including photographic record by suitably qualified conservation professional.

Final planner's report recommends refusal. /Senior Executive Planner's report notes that during the process of the application it has not been possible to agree on a n approach that is acceptable from a heritage perspective.

3.2.2. Other Technical Reports

Conservation Officer's report – notes location within the Architectural Conservation Area and refers to Objective HE 4-5 of the development plan to conserve and enhance the special character of the ACA . Existing shopfront incorporates generic oversized modern components however it is likely that stallrisers form part of the historic shopfront. Proposal to reconfigure the shopfront arrangement is not acceptable as it is not high-quality contemporary design or reflective of the historic shopfront design. Layout is not symmetrical and involves an excessive use of mullions and transoms. Use of a limestone stall riser to the new shopfront is not appropriate. Clarification/Revisions required to include an alternative layout having regard to historic reference providing for retention of masonry stall risers.

Rationalisation of shopfront by way of omission of transoms and adopting the use of panes of glass divided vertically by mullions. Refer to "Shopfronts of County Cork : A Design Guide for the Historic Setting."

Second report of conservation officer considers the response to request for additional information to be inadequate. Alternative layout evidenced by historical research. Vertical division not evenly proportioned.

Subsequent report notes that no historical evidence relating to the existing shopfront has been submitted. Based on physical evidence (windows / stall risers) the shopfront layout is original and unless evidence can be produced to prove otherwise should be retained. Alternative arrangements providing for incorporation of side panel of existing doorway could provide for improved accessibility.

Final report notes substantial concerns relating to the architectural heritage aspects and recommends refusal. Opening up / investigation works in inconspicuous and relevant areas of the stall risers to establish construction technique and thus probable age of construction.

Area Engineer- No objection.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – No observations

3.4. Third Party Observations

No submissions

4.0 Planning History

Declaration D/201/20 Cork County Council issued declaration that proposed alterations to existing shopfront entrance is not exempted development. Decision made reference to contravention of Conditions No 1 and 2 of Planning Reg 03/2203 and to policy objective HE 4-5 Architectural Conservation Areas.

03/2203 Change of use from retail to betting office, shop front alterations, external signs, satellite dish and external plant for air conditioning.

5.0 Policy Context

5.1. National Policy

Architectural Heritage Protection – Guidelines for Planning Authorities. Department of the Environment Heritage and Local Government 2004.

5.2. Development Plan

The Cork County Development Plan 2014 and Fermoy Municipal District Local Area Plan 2017 refers.

The site is within the Charleville Architectural Conservation Area ACA.

HE 4-5 Architectural Conservation Areas.

Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting.

This will be achieved by;

- a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non sympathetic alterations
- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- d) Promoting high quality architectural design within ACAs.
- e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high-quality architectural design.
- f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract for the character of the ACA.
- g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.
- h) Protect structures from demolition, non sympathetic alterations and the securing of appropriate infill developments

The site Zoned Town Centre within the 2017 Local Area Plan.

5.3. Natural Heritage Designations

The site is not within a designated area. The nearest such site are The Blackwater River Cork Waterford SAC (Site Code 002170) and Ballyhoura Mountains SAC (Site Code 002036)

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is submitted by Fergal Fitzpatrick, Architecture and Planning on behalf of the first party. Grounds of appeal are summarised as follows:

- No 68 Main Street is not a protected structure nor is it listed on the NIAH.
- The proposal to reconfigure the existing shopfront together with associated building fabric upgrade will contribute positively to the retail function of main street and not detract in any way from the Architectural character and special interest of the ACA.
- Reconfiguration of the existing shopfront to include for a widened entrance and clear wheelchair circulation zone measuring min 1.8x1.8m both within and on approach to the unit.
- It is proposed to replace the existing deteriorating non-original timber framed shopfront screen element and reconfigure existing masonry stall risers with a traditionally proportioned glazed timber shopfront set upon the reconfigured masonry stall risers utilising retained /salvaged masonry construction.
- All non original degraded timber elements associated with the existing shopfront pilasters, signboard, corbels and moulding elements will be replaced.
- Existing powder coated metal corporate signboard will be replaced with a hand painted timber signboard backing to match RAL 3020 with non internally illuminated lettering. Individual 'Ladbroke's' letter comprising 10mm 069 opal cast acrylic (white) on plastic located to rear to allow text to stand off panel by 12mm.
- Rationale for providing relocated entrance to one side is to provide enhanced universal access to the unit whilst also maintaining a functional unobstructed shopfront.

- Shopfront reconfiguration proposal has been altered to facilitate retention of the existing masonry stall risers save insofar as alterations are required to facilitate the relocation of the shopfront entrance.
- Shopfront form whilst a departure from pre-existing configuration to this unit is a configuration which is prevalent within the local Charleville streetscape and is appropriate within the ACA,
- Stall riser is constructed from single skin of clay brickwork. Centre bricks installed upright to display within their frogs the stamp of Charleville Brick Works. While the brickwork is in relatively good condition the standard of brick coursing and construction is of no particular merit. Neither is it clear whether the stall risers were built in 1800s or if they were built at a later date using salvaged brickwork.
- Fully detailed measured and photographic survey of the existing fabric will be carried out. Carefully salvaged brickwork will be reused to rebuild the realigned portion of the shopfront in such a manner that works shall be reversible. No brickwork shall be discarded.
- Historical precedent for asymmetrical configuration of the proposed shopfront exists within the Charleville ACA as set out in historical appraisal.
- Views from the street and from betting office out will be obtained through visually penetrable glazed shopfront screens, between the internal standalone display boards and through the glazed entrance door. This will address perceived inactive shopfront.
- Proposal will represent a significant improvement on the presentation of the existing unit.
- Development will be carried out in accordance with best conservation practice guidelines, shall be reversible and shall not result in the loss of historically significant fabric.
- Existing glazed timber shopfront screen timber pilasters and shopfront signage are not original features and refusal de facto determines that these elements represent an appropriate shopfront treatment within the ACA.

- On receipt of a favourable decision the services of an appropriately qualified Conservation architect shall be secured to oversee all work associated with dismantling salvage and reuse of materials reconfiguration of the shopfront and completion in consultation with conservation department.

6.2. Planning Authority Response

The Planning Authority did not respond to the appeal.

7.0 Assessment

- 7.1 From my assessment of the file, inspection of the site, and consideration of the planning history and application and appeal details. it is my view that the key planning issues for this appeal refer to the Councils reason for refusal related to the impact on the character of the Architectural Conservation Area. The issue of Appropriate Assessment also needs to be addressed.
- 7.2 Section 82(2) of the Planning and Development Act 2000 provides that “In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area. The Council’s reason for refusal stated that by *reason of the demolition and reconfiguration of an existing shopfront the proposed development would seriously detract from the architectural character and special interest of the ACA and would be contrary to Objective HE4-5 of the current Cork County Development Plan which aims to conserve and enhance the special character of the Architectural Conservation Areas included in the plan.* The refusal was based on the recommendations of the Council’s Conservation Officer who deemed the proposal to alter the historic shopfront configuration unjustified and the proposed replacement arrangement to be problematic in terms of lack of symmetry and disproportionate vertical division. I consider that these criticisms are valid.

7.3 I note that Development Plan Policy HE 4-5 Architectural Conservation Areas requires inter alia protection from non-sympathetic alterations, ensuring that new development contributes positively in terms of design, scale setting and material finishes, the promotion of high-quality architectural design, and the encouragement of new shopfronts of a high-quality architectural design. This is in line with the recommendations of the Architectural Heritage Protection Guidelines issued by the Department of the Environment Heritage and Local Government 2004 which sets out in relation to assessment of proposals within an Architectural Conservation Area that design is of paramount importance. As regards the proposed alterations, I consider that the proposal does not meet the high standard of design required within an ACA. Whilst within the grounds of appeal it is outlined that the powder coated corporate metal signboard will be replaced with a hand painted timber signboard no detailed specifications are provided. The drawings submitted with the appeal indicate that the “existing signboard” and “decorated pilasters” are to be retained. I consider that the proposal fails to provide a compelling argument with regard to the alteration of the traditional historical shopfront arrangement and does not meet the high standard of design and layout as required within an Architectural Conservation Area. Refusal is therefore recommended.

7.4 On the matter of Appropriate Assessment having regard to the nature of the proposed development and the separation distance to any European site and the absence of a source pathway receptor it is concluded that no appropriate assessment issues arise as the proposed development would be likely to have a significant effect individually or in combination with any other plans or projects on a European site.

8.0 Recommendation

8.1. Having considered the file and all submissions and having visited the site, I recommend that permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the location of the proposed development within an Architectural Conservation Area, and the provisions of Part IV of the Planning and Development Act 2000, it is considered that the proposed development by virtue of the reconfiguration of the existing shopfront and based on the design details submitted the proposed development would fail to achieve a high quality architectural design and would therefore seriously injure and materially adversely affect the character of the architectural conservation area and set an undesirable precedent for similar such development. The proposed development would, therefore, contravene materially the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

03 August 2021