



An
Bord
Pleanála

Inspector's Report

ABP-312120-21

Development	Change of use of ground floor form 2 commercial units to 2 residential units and all ancillary works. This is a Protected Structure.
Location	The Worralls Inn, Main St. & Bruach na Sionna, Castleconnell, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	211295
Applicant(s)	RR Property Fund
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First-Party
Appellant(s)	RR Property Fund
Observer(s)	1) Robert Lynch 2) Tara Hartigan, Love Castleconnell 3) Donal Ryan
Date of Site Inspection	2 nd April 2022
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site relates to the ground floor of a former public house namely The Worrell's Inn – a Protected Structure. The property is centrally located on the Main Street in Castleconnell village opposite the Church. It is part of a larger newly constructed mixed-used development site comprising in the order of 70 units – mostly two-storey town houses and a few commercial units. The subject Inn building has a five-bay frontage with a centrally positioned entrance door. It has a front paved garden enclosed by a low wall with decorative wrought iron railings and a centrally positioned pedestrian gate. The facade has timber sash windows and an original traditional timber shopfront. The original building has been extended to the rear and appears to be undergoing refurbishment works. New uPVC windows have been used in the upper rear elevation. At time of inspection the premises appeared vacant and the curtilage was in a state of disrepair – some façade cracks, openings boarded up and a yard area to the rear remains unfinished. There were building materials both internally and externally – including elements of a timber staircase which suggests that the upper floor level is not in use.
- 1.2. The permitted internal and external layout is set out in the attached file - ABP case 304938.
- 1.3. Castleconnell is a growing village settlement north east of Limerick City. It is on the Limerick–Ballybrophy railway line and also has limited service on the Limerick to Nenagh Commuter Service.

2.0 Proposed Development

- 2.1. The proposed development is for a change of use from a permitted commercial use (not yet completed/provided) to two residential units in the ground floor of a former public house that is presently vacant and undergoing works. This is a variation to a permitted scheme in the premises involving a two-storey extension and conversion to first floor residential use and works have commenced. Proposed works involve minor internal modifications to the permitted layout, as follows:
 - In commercial unit 1, the office 2, disabled toilet and store are replaced by a double bedroom and bathroom to provide a one-bedroom apartment with open

plan living space . All external openings remain with both front and rear access via communal areas. The green area to the front is annotated as 390sq.m. but this is an error and scales at c. 39 sq.m.

- In commercial unit 2, office 2 and the WC are reconfigured with a bedroom bathroom and store room. The green area to the front is annotated as 314sq.m. but this is again appears to be in error as it scales at around 32.sq.m.
- The application is accompanied by a brief architectural description of the building - A five bay detached building with two gables and two rendered chimneys. Built in rubble stone with a cement render. It has a new imitation slate pitched roof with a decorated barge board. All openings are boarded up. Originally 2 separate structures....The interior of the building was largely gutted by fire. There was no access to the upper floor. The upper floor joists to the north part of the building survived the fire, those to the south are new . All exterior walls apart from the rear of the southern part of the building which is a new concrete block wall are original rubble soften. The rubble stone dividing wall between the budlings service as does part other of the architrave of one of the doors.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reasons:

- Objective ED3: Retail Development as set out in the Castleconnell Local Area Plan 2013-2019 as amended and extended, seeks to 'ensure that proposals at ground floor level within the village centre are restricted to shopping and closely related uses such as banking'. It[is] considered that the proposed change of use from commercial to residential would materially contravene Objective ED3... Furthermore, the proposed development would set an undesirable precedent. Accordingly, it is considered that the proposed change of use would be contrary to the proper planning and sustainable developemtn of the area.
- Having regard to the lack of an Architectural Impact Assessment and based on the information as submitted and furthermore based on the history of the site, the proposed change of use would materially and adversely affect the Protected Structure and it would be contrary to the proper planning and sustainable

development of the area and it [would] conflict with the policy of the planning authority as expressed in the Limerick County Development Plan 2010-2016 which seeks to preserve and protect the Worrall's Inn and its curtilage as an item of archaeological /architectural interest.

4.0 Planning Authority Reports

4.1. Planning Report

4.1.1. The report refers to :

- Planning history with reference to outstanding compliance issues with existing development on site.
- Development plan policy regarding retailing in the village and architectural conservation.
- Verbal report with conservation officer .
- Objections.

4.1.2. It is concluded that

- There is a long history of outstanding compliance issues particularly in relation to the conservation methodology . There are a number of features requiring restoration, e.g. central chimney, projecting lantern and the application is deficient in relation these matters and conservation/construction methodology.
- The premises is commercial in nature and at odds with providing adequate residential amenity 'not easily achieved' no private amenity spaces, balconies would be inappropriate large windows, the ground floor commercial units should be retained in context of commercial history use and retail objectives.

4.2. Technical Reports

4.2.1. **Conservation:** A verbal report is cited in the planning report: Applicant has not complied with the existing permission as per the Boards' decision works have been carried out to the structure without consultation with the conservation officer. Proposal would be detrimental to the character and fabric of this historic building based on the works/information submitted to date.

4.3. Prescribed Bodies

4.3.1. Irish Water: No objection

5.0 Planning History

- ABP ref 304938/ PA ref 18/1147 (file attached) refers to a **grant** of permission on appeal for **restoration of Worralls Inn** and its change of use to 2 **commercial** units on the ground floor and 2 **apartments** on the first floor, a two-storey rear extension comprising 2 apartments and 2 duplex units with access to the rear, a revised layout of the public realm of Bruach na Sionna incorporating a playground, green areas and a revised and extended car parking area, miscellaneous works and associated site works. A single storey dwelling was omitted. The Board's Order states: In deciding not to accept the Inspector's recommendation to refuse permission for the restoration, change of use, and extension of The Worrall's 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**. Many of the conditions require details to be submitted for agreement and the following conditions of this permission are noteworthy

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 dwelling houses 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.

3. The revised layout of the public realm of Bruach na Sionna, incorporating the equipped children's 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.

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.

6.0 Policy & Context

6.1. National Planning Framework (2018)

- 6.1.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in a sustainable manner. NPO 35 refers to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. Mid West Regional Authority 2010-2022

6.2.1. Section 4 refers to retailing and Pages 65/66 present conclusions and guidance for retailing in small town and emphasise the need to provide small scale local shopping facilities through protecting centres for such uses and for growing demand as population centres grow, by encouraging mixed uses and limiting out of town development.

6.3. Castleconnell Local Area Plan 2013-2019 (extended to September 2023.)

6.3.1. In this plan the site is zoned village centre . The purpose of this zoning is to protect and enhance the character of Castleconnell village centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the village centre while guiding the development of an expanded and consolidated village centre area. Any proposed retail development shall be in accordance with the provisions of the Retail Strategy for the Mid West Region, 2010-2016.

6.3.2. The population of the village expanded enormously in the late 2000s . The LAP shows a population of 1917 in 2011. CSO data records it at 2107 in 2016. *It is the long term vision of the Council that Castleconnell functions efficiently as a place where people can and want to live, work, and visit, and which fosters an authentic sense of place.* To achieve this vision Castleconnell must develop in a manner that protects its rich cultural and natural heritage, accommodates a vibrant and balanced community, and provides good employment opportunities and quality local services and amenities. Good transport links are important, including improvements to public transport services to provide a genuine alternative to the car. Building on the existing strengths of the settlement it is imperative that all stakeholders maximise any development opportunities in the village to secure progression and improved quality of life.

6.3.3. **S1 Sustainable Development-** It is the policy of the Council to support the sustainable development of Castleconnell.

6.3.4. In order to achieve strategic policy S1 this plan focuses on:

(a) Rationalising the residential land use in the village to comply with the population targets as set out in the County Development Plan core strategy.

- (b) Ensuring development accommodates envisaged housing need and diversity to sustain vibrant, socially balanced communities.
- (c) Ensuring that land use zones and objectives provide for adequate social and recreational facilities, in tandem with the growth of Castleconnell.
- (d) Enhancement and development of the village centre.
- (e) Ensuring that the village develops in a way that protects and enhances the richness and integrity of the village's natural, built and cultural heritage.
- (f) Ensuring that the growth of the village is accompanied by adequate infrastructure.

6.3.5. **Objective ED3** refers to retail. It is an objective to enhance the vitality and viability of Castleconnell as a retail service centre and to improve the quantity and quality of retail provision in the village by a) emphasising the core retail /commercial area as the primary shopping location, b) encouraging upgrading and expansion of the existing retail outlets and the development of new outlets with the village centre, c) ensuring that proposals with significant retail development elements comply with the provisions of the county Retail Strategy d) ensure that proposals at ground floor level with the village centre are restricted to shopping and closely related uses such as banking. Storage use will not be permitted as the primary use in this location, e) encouraging the use of upper floors in retail premises for commercial or residential use, enhancing the physical environment of the village centre as a location for shopping and business through measures aimed at improving conditions for pedestrians, g) encouraging the retention of traditional shop fronts to enhance the streetscape .

6.3.6. Conservation:

- **EH1 Architectural Conservation Areas** seeks to protect such area through specific design criteria
- **EH2 Protected Structures** – This objective seeks to protect such structure through encouraging appropriate use and minimal intervention with wiring features or setting of the structure.

6.4. **Natural Heritage Designations**

- Not relevant as it relates to change of use

7.0 Environmental Impact Assessment - Preliminary Examination

7.1. 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 at preliminary examination and a screening determination is not required.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. A First-party appeal has been lodged by the applicant's agent architect. The appeal is based on the following grounds:

- The applicant has permission to restore Worralls Inn, a derelict building and this was favourably considered by the applicant's conservation architect Dr. Judith Hill.
- The Heritage value is derived by its external character and detailing which contribute to the streetscape and it is not proposed to alter this. The proposed internal ground floor changes are very minor and allow for simple revision to commercial use should the demand arise.
- If permitted, the development will be completed in accordance with the permitted design which also works for the residential use. The required features will be therefore completed.
- The conversion of vacant units is supported by national policy as reflected in the exemption for such conversion in towns and villages.
- The subject units have been advertised for 2 years and remain unlet. The overall scheme provided 4 other retail units in the Bruach na Sionna estate and are subsidised in part by reduced rents.
- Continued vacancy could jeopardise the overall scheme.
- There is precedent for permitting change of use from commercial to residential in a mixed used scheme in Coolbawn Meadows, Castelconnell

8.2. Observations

8.2.1. Robert Lynch raises concerns about:

- Negative impact on village.
- The proposal should adhere to the LAP and if not then the LAP should be altered so as to avoid piecemeal development.
- The absence of demand is disputed having regard to its landmark nature, good location and the occupancy of other units and what is submitted to be strong commercial demand.
- The vacant and derelict condition of the site is the likely reason for lack of rental.
- The conditions attached in the Board's decision are not being adhered to.
- The advanced stage of works on foot a permission including commercial premises indicates little or no risk of future vacancy.
- There are 76 residential units in the development of which the application forms a part in the original permission. However there are not sufficient amenities to meet the demand for shopping, dining and commercial or recreation space within the village centre. Space for these use should remain while the economy recovers.
- As it stands the public facilities proposed/required as part of the development have not yet been completed despite the advanced stage of works. E.g. condition 3 states the revised layout of the public realm... incorporating... playground,... green area and ...parking and miscellaneous ancillary works ...bin, cycle, ...storage, ...landscaping, walls ... shall be completed ...prior to commencement of any works on the protected structure or construction of townhouses. Condition 8 also requires details of the play area.

8.3. The conservation architect's report in the original application is consistent with the LAP in its interpretation of the role of the protected structure as a commercial premises and its contribution to the architectural character. Its protection is an objective of the LAP. It is submitted that the change of use contravenes this. Dr. Judith Hall states that Worrall's Inn has a twofold heritage value based on 1) its social significance in the 20th Century as a long established hotel and later public house in Castleconnell and 2) the presence of the building in Main Street which contributes to the ACA as an historic structure that retains some features that recall its role in the 20th century as Kean's Commercial Hotel and later as Worrall's Inn.

- The applicant has cherry-picked aspect of the permitted development – failed to comply with a number of conditions having regard to advanced stage of development and outstanding issues.

8.3.1. Donal Ryan raises concerns about:

- The proposal runs contrary to the objective to enhance the vitality and viability of Castleconnell as a retail service centre and to improve the quantity and quality of retail provision in the village .
- The proposal to split the ground floor restricts the opportunity for restaurant and is submitted to downgrade the amenities of the village. Recent developments have include 2 new cafes and the ground floor of the Worrals inn would provide a good floor space for a restaurant.
- The change of use will result in the loss of a historic landmark commercial space.
- The residential use is likely to erode the shop frontage character over time.
- The precedent of non-compliance suggest that adherence to future conditions is not likely.

8.3.2. Tara Hartigan, Love Castleconnell

- The applicant has ignored previous conditions in the Board's decision.
- The proposal is not in keeping with the LAP requiring shopping or closely related uses such as banking.
- It is unsuitable for this heritage village.
- There is a lack of commercial outlets in the main village thoroughfare compromising the future of the area. It is submitted that there are no units available to numerous individuals/business which will damage the future local economy.
- The growth of the population and particularly those on assistance and absence of facilities is contributing to an increase in anti-social behaviour. By adding addition more houses in the absence of facilities will aggravate this. E.g. children playing on street and nowhere to play.
- The lack of amenities will devalue properties.
- The applicant trying to have past decision overturned to the detriment of the village.

8.4. **Planning Authority Response**

- No further comment.

9.0 **Assessment**

9.1. **Issues**

9.1.1. This appeal relates to a proposal for a change of use from permitted commercial use to residential apartments in the ground floor level of a former public house that is currently vacant. The key issues centre on:

- Loss of retail/commercial use
- Impact on Architectural heritage.

9.1.2. Other issues relate to compliance matters and appropriate assessment.

9.2. **Loss of Retail use.**

9.2.1. The planning authority is opposed to the proposed change of use and consequent loss of commercial facilities for the locality on the basis of the impact on the village Main Street by particular reference to Objective ED3: Retail Development as set out in the Castleconnell Local Area Plan 2013-2018 as extended. This objective seeks to 'ensure that proposals at ground floor level within the village centre are restricted to shopping and closely related uses such as banking'... The observing parties also make the case that the village is growing such as in the case of 70 units as part of the larger development of which the refurbishment of the former Worrall Inn premises was an integral part. In this context there is a need for services that are presently lacking. The recent opening of commercial entities indicates demand for suitable premises.

9.2.2. The applicant makes the case that the provision of additional housing is consistent with national policy which promotes housing by, for example, the relaxation of the planning regulations which permitted change of use of vacant premises to residential uses. It is further argued that there is simply no demand for the commercial uses as permitted notwithstanding advertising of the units.

- 9.2.3. I accept national policy advocates utilising of existing buildings as part of a strategy to achieve compact growth in serviced areas. The protection of village centre commercial uses is however also supported as set out in the regional guidelines to which the LAP strategy adheres. In this case the site is located in the village centre which has an extensive and growing residential hinterland. On the one hand the vacant fire damaged structure is a potential eyesore in the village and clearly its refurbishment and occupancy would contribute to the vitality of the street. A residential use would not be unduly incongruous due to the presence of mixed uses along the street. However it is a particularly prominent site and landmark building. In this case the site was part of a comprehensive residential scheme of which commercial use was only a small part and included the subject ground floor. I consider the loss of the entire prominently sited building to residential use would constitute a significant erosion of key village centre commercial/community uses serving the residential area. The loss of units would by itself and the precedent it would set would serve to contribute to the undermining of the role of the village centre in serving the area in a sustainable manner. For example the loss of amenities and facilities serving the locality within cycling, walking and short distances and thereby reducing car-based dependency would be contrary to the strategic policy SP1 of the LAP.
- 9.2.4. While I note the applicant refers to failure to rent out the premises, I consider it a fair point that the premises have not been yet been completed and there are a number of outstanding conditions of compliance. Such circumstances may not unreasonably complicate occupancy . Ultimately, I consider having regard to the pattern of land use in the area, the proposed development would be of a scale that would undermine the consolidation of retailing and commercial services for the village centre and the sustainable development of the area.

9.3. **Architectural Heritage**

- 9.3.1. The impact on the Protected Structure having particular regard to the lack of submitted methodological detail is the basis of refusal in reason 2. In the first instance I would highlight that I note that the original proposal to extend the structure was conditional on a number architectural/conservation requirements which have not been met as stated by the planning authority. The applicant refers generally

to complying with aspects of this and this an enforcement matter. I consider the baseline for assessment is compliance with these conditions.

- 9.3.2. In terms of the impact of the proposed use I accept that the change of use has an negligible impact to the internal fabric as compared to the permitted use. The modifications appear to relate to altered stud walls in a building that has been subject to much internal alteration due its original use and form as a pair of buildings. I also note there is no apparent benefit in conservation terms other than the occupancy of the premises. I would however have some concerns about the curtilage of premises.
- 9.3.3. The proposed residential units have no private amenity space. They would appear to be reliant on a shared yard already serving the previously permitted upper floor apartments. This rear yard is for bins and external storage as well as access. Given the open plan nature of the units and lack of amenity space, this could result in the front garden area being used for storage/clothes drying or other such uses normally in a private area not visible from the street. The absence of details in this regard is not helpful . While this may constitute a new issue in so far as it relates to residential amenity of the existing and proposed apartments, I consider in view of the substantive reason for refusal, further information is not warranted.
- 9.3.4. On balance, with respect to the change of use in terms of the impact on the historic architectural character of the Protected Structure, I do not consider there to be any undue impacts. I consider the proposal, which, subject to compliance with the extant permission, retains the essential form, boundary features, and façade features to have no significant material impact on the indigenous architectural character of the Protected Structure or streetscape.
- 9.3.5. Accordingly I consider there to no substantial basis to refuse permission on these grounds.

9.4. **Appropriate Assessment**

- 9.4.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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.

10.0 Recommendation

10.1. I recommend a decision to refuse permission for the proposed development in accordance with the reasons and consideration set out below.

11.0 Reasons and Considerations

- 1) Having regard to:
 - (i) The prominent and strategic location of the development site within the Village Centre zone as delineated in Map 1 of the Castleconnell Local Area Plan 2013-2019 as extended,
 - (ii) the objective for the Village Centre Zone as set out in the Castleconnell Local Area Plan which seeks to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the village centre while guiding the development of an expanded and consolidated village centre area,
 - (iii) Objective ED3 which seeks to enhance the vitality and viability of Castleconnell as a retail service centre and to improve the quantity and quality of retail provision in the village by, *inter alia*, a) emphasising the core retail /commercial area as the primary shopping location, b) encouraging upgrading and expansion of the existing retail outlets and the development of new outlets within the village centre, d) ensuring that proposals at ground floor level with the village centre are restricted to shopping and closely related uses such as banking, g) encouraging the retention of traditional shop fronts to enhance the streetscape,

it is considered that the change of these commercial units to residential use at ground floor level would be contrary to the objectives for this area, would be contrary to the sustainable development policies for Castleconnell which seek balanced development and would set a precedent for similar conversions within this core area and would therefore be contrary to the long-term development strategy for Castleconnell. Furthermore it is considered the proposed development would result in pressure for retail development outside this central area and would be contrary to proper planning and sustainable development of the area.

Suzanne Kehely
Senior Planning Inspector
9th June 2022