



An
Bord
Pleanála

Inspector's Report ABP-316692-23

Type of Appeal

Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax

Location

Logans Street, Thomastown, Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

KK-C205-19

Appellant(s)

Eric Wardrop

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The appeal refers to a site on the north eastern side of Logan's Street, Thomastown, Co. Kilkenny. The site contains a two-storey unit which is vacant at present.
- 1.2. The site is located on a street in the centre of Thomastown, and the street contains a mixture of residential and commercial units.

2.0 Zoning and Other Provisions

- 2.1. The site, located within Thomastown, is within the Plan Boundary lands of the Thomastown Local area Plan 2019. The site is zoned 'Town Centre' with the objective, 'To protect, improve and provide for the future development of the town centre'. Dwellings are listed in the 'Permissible Uses' category of this zoning objective.
- 2.2. The site is located within lands designated as the Town Centre Architectural Conservation Area (ACA) and the following relevant objectives apply:

'It is an objective of the Council:

ACAO1.1 To ensure that new development, including infill development, extensions and renovation works within or adjacent to the ACAs, preserve and enhance the special character and visual setting of the ACA including views and vistas, streetscapes, building lines, fenestration patterns and architectural features and to seek visual impact assessments where appropriate for such development.

ACAO1.2: To ensure retention of traditional shopfronts that are of special interest, while focusing on repair instead of replacement. Inappropriately detailed signage, such as plastic and internally illuminated signs will be discouraged.

ACAO1.3: To encourage contemporary design where new buildings are introduced in the ACA.

ACAO1.4: To support the sensitive restoration and reuse of heritage buildings, to address dereliction and vacancy in the town centre and promote appropriate uses subject to good conservation principles'.

3.0 Planning History

- 3.1. There are no recent, relevant, valid applications on this site.

4.0 Submission to the Local Authority

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map. It has not been possible to rent out this unit due to the lack of availability of car parking in the centre of Thomastown.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that part of the site was in scope. The zoning of the site allows for residential development, the site is in a location that is serviced, and the unit is vacant under the terms of the Act. The issue of car parking is not a consideration for determining if a site is in scope or not.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The site is located within Town Centre zoned lands in Thomastown, the unit is vacant and is located within an Architectural Conservation Area.
- Queries the Planning Authority report and details on car parking, without evidence from the Kilkenny Roads Section, no evidence has been provided in relation to water supply/ drainage, and therefore it is not certain that the site is serviceable.

6.2. Planning Authority Response

- No further comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The site is located within an established urban area and is suitably zoned for residential development. The appellant has confirmed that the unit has been vacant for some time.
- 7.2. I am satisfied that the site can be serviced in terms of water supply and foul drainage. There is access to the public street to/ from the site, therefore it is accessible. The issue of car parking is not a requirement of the legislation as to determine if a site is in scope or not. The promotion of modal shift at a National Level, has removed a requirement for the need for car parking for every residential development in established urban areas. This is a town centre site and car parking spaces are not necessary. There is no indication that the current layout would give rise to a traffic hazard.
- 7.3. I therefore consider that the sites, should remain for inclusion on the Residential Land Tax Maps as the sites are suitably zoned for residential development and there is no reason as to why development cannot take place here.

8.0 Recommendation

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated sites be retained on the map.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their sites be removed from the map due to the fact that there was no evidence that the site is serviceable, and concerns were raised about the parking/ loading bay layout at the front of the site.
- 9.2. It has been determined that the location of the site within an established urban area indicates that it can be served by water and foul drainage. The site is also accessible to public road/ footpaths and the requirement for car parking is not a determinant to whether or not a site is within scope, within the meaning of the act.
- 9.3. The site therefore is considered to satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

I confirm that the report represents my profession planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien
Planning Inspector

22nd June 2023