



An  
Bord  
Pleanála

## Inspector's Report PL14.247580

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### Development

Demolition of sheds and walls to rear of building, internal and external alterations to building, three storey extension to rear, change of use to retail unit and offices and 2 no. storage sheds (protected structure).

### Location

7 New Street, Longford Town

### Planning Authority

Longford County Council

### Planning Authority Reg. Ref.

16/212

### Applicant(s)

Anne Marie Keogh

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Dympna Harten

### Observer(s)

None

### Date of Site Inspection

17 February 2017

### Inspector

Una Crosse

## **1.0 Site Location and Description**

- 1.1. The site in question, which has a total site area of 0.0359 which includes right of way (0.0110hectares without), comprises a three storey terraced property at No. 7 New Street in Longford. The property has a number of outbuildings to the rear. The building is in very poor condition.
- 1.2. The site is adjoined by similar three storey terraced properties on either side which are in a mix of office, residential and medical centre uses. A vehicular access to the rear of the properties is located to the west of the appeal site between No. 5 & No. 6 and includes a laneway to the rear of the properties. St Mel's Cathedral is located to the northeast of the site.

## **2.0 Proposed Development**

- 2.1. The proposal provides for the change of use of the existing 3-storey residential building to retail space at ground floor (38 sq.m) and office space at first and second floors (95 sq.m).
- 2.2. It is proposed to widen the existing ground floor window to provide retail entrance and new shopfront and to provide a new internal arrangement on all levels with internal and external alterations and refurbishments
- 2.3. It is proposed to demolish sheds and walls to rear of the main building and to construct a rear extension over three floors – 13.8 sq.m to provide an escape stairs and 2 no. storage shed in rear yard (12 sq.m. and 14 sq.m);

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 11 conditions which include:

C2 – Liaise with PA and Heritage Office to agree materials and methodology;

C3 – photographic survey and measured drawings of interior;

C4 – uses restricted to retail on ground and office on upper floors with no change of use without permission;

C6 – refuse storage area;

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning report is summarised as follows:

- Considered proposal is in keeping with the zoning;
- Notes that extension to the 3-storey return is to facilitate new openings and external fire escape in order to provide a fire escape strategy for the long term use of the upper floors;
- Extension to the return, which is noted as a later addition to the structure, is considered a suitable link to the fire escape with no intervention in the original structure;
- States that a combined entrance from the existing front door would not be permissible under the building regs.
- The new shop front is considered a commercial requirement and its effect is considered as reversible;
- The alterations to the front elevation while changing the character of the ground floor will maintain the main door;

#### **3.2.2. Other Technical Reports**

The following reports, which are summarised, were received by the PA

Irish Water – No objection subject to conditions;

EHO – no objection subject to conditions.

Fire Department – sets out requirements applying to the development;

### **3.3. Prescribed Bodies**

No responses

### 3.4. **Third Party Observations**

As per grounds of appeal below.

## 4.0 **Planning History**

The following are considered relevant:

**Ref. 90/701372** – permission granted for changes of use from office to shop;

**Ref. 89/701342** – permission granted for office development;

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The Longford Town & Environs Local Area Plan 2016-2022 provides the relevant planning policy for this area of Longford Town. This Plan was inserted into the Longford County Development Plan 2015-2012 by way of Variation No. 2. In terms of character areas, the site is located within the town core. The zoning provision is stated as Established Residential, Site Resolution, Recreation, Amenity and Green spaces, Social/Community, Employment/Mixed Use.

The structure is a protected structure (Ref. 142).

### 5.2. **Natural Heritage Designations**

The closest Natura 2000 site to the appeal site is Brown Bog SAC which is c.3.5 km. Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA are located further. Appropriate Assessment is considered at Section 7.6 below.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The third party grounds of appeal are summarised as follows:

- Building is in a state of dilapidation not dereliction;

- New street was first 'struck out' in 1836 with Inventory recording date of erection as 1855 incorrect;
- Simple arrangement of front elevation gives building its charm and protected status;
- Combined access, as at Abbey Murphy on other side of New Street permissible under Building Regulations and not true that separate access required;
- Ground floor is a combined space with a double entrance proposed to a single unit;
- Failure to separate and enclose stairwell prompted inclusion of unacceptable open metal staircase to the rear with approval for Fire Safety Cert unlikely;
- Access to upper floors not achievable by persons with disabilities and no disabled person's toilet;
- Rear fire escape unsuitable for a protected structure;
- Proposed shopfront not compatible with protected structure and proposal not reversible with proposal to gut interior;
- Existing street frontage and adjoining frontages form a handsome streetscape unspoilt by inappropriate shopfronts;
- Conflict between lands claimed within applicant's ownership and those claimed in previous application;
- Right-of-way shown does not entitle applicant to park on same as right of way is an easement to pass and re-pass unless consent provided by owner of the right-of-way which is not included;
- Access to the rear is narrow and use by occupants of adjoining properties would give rise to congestion and a shortfall in parking;
- Currently no zoning for this area with Town zoning expiring in 2015 and New Street not included as part of Core Retail Area in County Plan;
- Development would facilitate tenant from another part of the town taking the new unit and leaving existing unit empty;

## 6.2. Applicant Response

The first party's response to the appeal is summarised as follows:

- Proposal relates to a currently derelict structure previously divided into 2/3 bedsits having previously been a surgery;
- Both uses proposed have previously been granted on the site;
- Agreed that if possible the stairs as-is would be incorporated into the design;
- Given narrow frontage provision of a lobby between the stairs to upper levels and the ground floor unit would not be acceptable;
- Proposal provides for direct access from New Street to the office but existing stairs would not comply with Building Regs (B&K) and is proposed as an accommodation stair with limited use in case of fire (Building Regs) leading to a requirement for a second stairs.
- Preferred location for stairs would have been in passageway but it is too narrow;
- Proposed stairs requires minimal intervention;
- Building is derelict as not occupied for previous 7 years with dilapidation clear and progressive and is not currently habitable;
- Proposal maintains much of the front façade except for enlarging front window and proposed to maintain much of internal layout including stairs;
- When deciding which elements to retain, stairs and doorway favoured over the window;
- Use of existing entrance as combined entrance discounted as would have required a lobby as separation with required space not available;
- Proposal acceptable to Fire Officer;
- Office space proposed at 44.6sq.m on each floor is limited and given protected status of the building is impractical and not a requirement to provide wheelchair access to upper floors;
- Disagree that use of an external staircase is unsympathetic to the building;
- Timber shopfront has minimal impact and a reasonable commercial requirement;

- Existing window has been altered;
- No objections by other owners of common grounds to the proposed parking;
- Limited nature of proposal will not create traffic congestion envisaged with lands to rear currently unused and proposal a positive contribution to the area;
- Draft Longford Town & Environs Plan published with site zoned Commercial/Residential;
- Area within Core Strategy (Variation No. 1);
- Applicant has submitted a business plan to demonstrate a successful retail business is anticipated;
- Applicants Solicitor states that the applicant is the registered owner of the Common Yard and stated ownership equally with owners of No. 6 & No. 8;
- Applicants accountant has provided financial details;

### 6.3. **Planning Authority Response**

There is no response on file from the PA to the appeal.

### 6.4. **Observations**

There are no observations on the appeal.

## 7.0 **Assessment**

7.1. The key issues raised in this third party appeal are as follows each of which will be addressed in turn:

- Compliance with Planning Policy
- Impact on Protected Structure
- Traffic
- Other Matters
- Appropriate Assessment

7.2. Compliance with Planning Policy

- 7.2.1. The site is located within the Town Core Character Area/zoning as set out in the Longford Town and Environs LAP 2016-2022 (Variation No. 2 of the Longford CDP 2015-2021). Therefore, the proposed retail and offices uses are acceptable in such a zone. Both uses exist on New Street at present and the proposal would, in my opinion, create a vibrant use on the ground floor.
- 7.2.2. Appendix 2 of the Longford County Development Plan 2015-2021 includes the Retail Strategy map for Longford Town. It is clear from this map that the appeal site and the area within its vicinity on New Street are located within the retail core or the town commercial core which is the terminology used in the key. The street and appeal site adjoin Ballymahon Street which is the main commercial core of the town centre. Therefore, the principle of the proposed uses is acceptable in respect of the retail strategy. There are a number of retail and commercial premises along this street as exists and creating a vibrant street between Ballymahon Street and St. Mels Cathedral and the Temperance Hall would improve the existing context.
- 7.2.3. While I acknowledge the concerns expressed regarding vacancy in the town centre, given the location of the appeal site within the retail core, the proposal to create a new retail unit is acceptable.

### 7.3. Impact on Protected Structure

- 7.3.1. While I address the concerns expressed regarding the ground floor external treatment, the internal alterations and the rear elevation fire escape in turn in the following paragraphs, I would note that the property is in a very poor state of repair. The stair is in danger of collapse in places as are a number of the floors on the upper floors. The second floor windows in the rear elevation are badly damaged with birds flying around the second floor rooms. The application was accompanied by a Conservation Report and Design Assessment which outlines in detail the existing state of the structure. Therefore, the refurbishment and reuse of this structure is of critical importance before its dilapidates further.
- 7.3.2. The appellants are concerned about the treatment proposed for the ground floor shopfront which they consider is not compatible with the protected structure. I would suggest that the proposed treatment provides that the existing front door remains a focal point of the façade unlike the treatment, for example, on Abbey Murphy Insurance where the timber shopfront overwhelms, in my opinion, the original door

and fanlight. The proposed treatment is an appropriate response to the requirement to provide a commercial shopfront while seeking to retain as much of the proportion of the façade at ground floor level as practical.

7.3.3. In respect of the internal proposals and principally the creation of two separate accesses from the front elevation, the appellants refer to the shopfront on the other side of New Street which accommodates Abbey Murphy Insurance. They consider that the combined entrance provides an example of how the proposal could provide for a single access from the ground floor façade. While I have already referred above, to my concerns at how the Abbey Murphy shopfront detracts from the original front door of the property, I would also note that it appears that the ground and upper floors are in a single commercial use. The proposal within this appeal is for two separate uses, retail on ground floor and offices above and therefore a separation of access points is required. The concerns expressed regarding compliance with Building Regulations are a separate code and therefore are not material to the consideration of this appeal. I consider however that the proposal as set out to create two separate accesses within the ground floor façade is acceptable. I would suggest that in order to provide a sustainable use within the structure and ensure its longevity, a balance between conserving the structure and providing a sustainable use/s is required.

7.3.4. In relation to the fire escape proposed on the rear elevation, the rationale for same relates principally to the decision/requirement to retain the existing stairwell within the structure. The stairwell while in poor condition does provide that the proportions of the original structure can be easily read and retaining same will retain the essential character of the internal elements of the structure. While I acknowledge that the fire escape will add bulk to the rear of the structure, the most important element of this protected structure is its contribution to the streetscape and the proposed fire escape, which is necessary in order to retain the internal staircase, will not detract from the views along New Street.

#### 7.4. Traffic

7.4.1. The proposal to provide parking to the rear of the site is acceptable in principle. The proposed access, which also provides access to the adjoining properties, is suitable in my opinion and will not create a traffic hazard as anticipated in the appeal given

the location of the site within the existing town centre on a one-way street. The site is located on a busy street adjacent to Ballymahon Street and includes parking along the street and on adjoining streets. In relation to concerns regarding the legal interest in the site I would suggest that the Board may refer the applicant to section 34(13) of the Planning and Development Act, 2000 as amended.

#### 7.5. Other Matters

7.5.1. Matters raised regarding Building Regulations are outside the planning code and not a matter to which the Board must have regard in this appeal. I would however note that the building is a protected structure.

#### 7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development, nature of the receiving environment, the public services serving the development and the distance between the site and the most proximate European sites, I am satisfied that 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. I recommend that permission is granted subject to the Conditions included below.

### 9.0 Reasons and Considerations

Having regard to the location of the site within the town centre of Longford, the zoning of same and the mix of uses in the vicinity of the site, it is considered that the proposed development would not seriously injure the character of the protected structure or adjoining structures, or the architectural character of the area and would be acceptable in terms of traffic safety and convenience. 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, 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. Prior to commencement of works, the developer shall make a record of the existing protected structure. This record shall include:

(a) a full set of survey drawings to a scale of not less than [1:50] to include elevations, plans and sections of the structure, and

(b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of this protected structure.

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include shopfront materials, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for existing foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The internal access serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

7. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, railway safety and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

Reason: In the interest of public safety and residential amenity.

9. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to,

and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

11. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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Una Crosse  
Senior Planning Inspector

February 2017