



An
Bord
Pleanála

Inspector's Report

ABP-303934-19

Development	Change use of vacant take-away to hostel
Location	Drummillard, Castleblayney, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	18254
Applicant(s)	Pat Lenihan.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Dermot Tavey.
Observer(s)	None
Date of Site Inspection	6 th June 2019.
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	4
3.1. Decision.....	4
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies.....	5
3.4. Third Party Observations.....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Monaghan County Development Plan 2019 to 2025.....	5
5.2. Natural Heritage Designations.....	6
5.3. EIA Screening	6
6.0 The Appeal.....	6
6.1. Grounds of Appeal.....	6
6.2. Applicant Response	7
6.3. Planning Authority Response/Observations/Further Responses	8
7.0 Assessment.....	8
7.3. Validity of Application/Ownership	8
7.4. Principle.....	9
7.5. Impact on amenity/value of adjoining property.	9
7.6. Adequacy of Accommodation.....	10
8.0 Appropriate Assessment	11
9.0 Recommendation.....	11
10.0 Reasons and Considerations	11

1.0 Site Location and Description

1.1. The appeal site lies on Main Street, Castleblayney to the east of its junction with the R135. It comprises an existing terraced three storey, mixed use commercial building. At the time of site inspection, the unit on the ground floor was an amusement/gaming arcade and the upper units appeared to be unoccupied. To the east of the site, is a betting shop and to the west a public house, Conabury Inn, the appellant's property. To the rear of the property is an overgrown yard. External ventilation fans and oil tanks lie on adjoining lands to the east and west of the rear yard.

2.0 Proposed Development

- 2.1. It is stated in the application form that the proposed development, as revised by way of further information, comprises the change of use of the first and second floor of the existing three storey mixed use commercial building to hostel accommodation. Plans accompanying the application indicate a reception, managers office, common room and four bedrooms on first floor and three bedrooms at second floor. Each has a double bed and en-suite bathroom. Pedestrian access to the property is via existing double doors from Main Street. An amenity space is proposed to the rear of the building. It is stated in the RFI that the proposed first floor balcony will be omitted, and an outdoor space provided a ground level. However, plans accompanying the RFI show it at ground floor (Drawing no. P102, RFI).
- 2.2. The proposed development will provide additional tourist accommodation in the town (currently only 41 bedrooms available) in the form of low budget hostel accommodation. The applicant attaches Failte Ireland regulations for holiday hostels which will apply.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th February 2019 the planning authority decided to grant permission for the development subject to 9 conditions. Condition nos. 1 requires the applicant to submit details of the extraction/ventilation system to service the common room kitchen and condition no. 2 details of appropriate balcony screening to the proposed rear patio. Condition no. 3 restricts the use of the development to short stay tourist accommodation only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 2nd August 2018 – States that the development is in accordance with the town centre zoning objective and other tourism policies of the Plan, subject to a site-specific tourism need being clearly identified. It recommends further information regarding details of proposed use (in the context of the tourism strategy in the County), management of facility, arrangements for car parking, impact on neighbouring property, bin storage arrangements, extraction arrangements for common room kitchens, accuracy of structural drawings to rear, signage and effects on adjoining property.
- 12th February 2019 – Recommends a conditional grant of permission.

3.2.2. Other Technical Reports

- Housing (25th June 2018) – Recommends additional information on precise use of hostel accommodation. Concerns with design (natural lighting and ventilation, internal specification of units/seating areas and application of Failte Ireland hostel standards).
- Water Services (25th June 2018) – Recommends conditions.
- Fire and Civil Protection (6th July 2018) – No objections subject to conditions, including obtaining a Fire Safety Certificate.
- Environment (15th July 2018) – No objections subject to conditions.

3.3. Prescribed Bodies

- No responses.

3.4. Third Party Observations

- Pat Lenihan – Objects to the development on the grounds that the hostel patio to the rear of the appeal site, at first floor, is adjacent to the observer’s boundary wall and would (a) result in overlooking, (b) pose a fire threat (kerosene storage tanks on boundary wall at risk from residents smoking on patio), and (c) impact on security of observer’s premises.

4.0 Planning History

- 4.1. Previous planning applications have been made in respect of the appeal site for commercial uses. These are referred to by the appellant and include PA refs. 8940665, change of use to takeaway and restaurant, granted; 8940678, take-away granted; 8940684, change of doors/internal layout, granted, and 9840885, retention of sign, refused. The planning applications were made in the 1980s and 1990s and are not directly relevant to the appeal.

5.0 Policy Context

5.1. Monaghan County Development Plan 2019 to 2025

- 5.1.1. Tourism policies in the current County Development Plan are set out in section 4.7. Policy TMP 1 seeks to promote/strengthen Monaghan as a tourist destination, by improving the appeal of the built environment of settlements. TMP 7 seeks to facilitate, where appropriate, the provision of high-quality tourism products and services within the County, in particular the provision of quality hotels and visitor accommodation facilities, and the development of tourism projects/facilities/ activities and attractions.
- 5.1.2. The appeal site is zoned for Town Centre uses in the Castleblayney Town Map. The objective of the zone is to provide, protect and enhance town centre facilities and

promote town centre strengthening. Hostels are a permitted use within the zone. Policies in respect of town centres are set out in TCO 1 to TCO 9 (attached).

- 5.1.3. Policy objectives for Castleblayney are set out in section 12 of the Plan, with section 12.9 dealing with Tourism. The Plan states that the town has significant potential to capitalise on its assets for tourism related development, notably Lough Muckno demesne (see attachments).

5.2. Natural Heritage Designations

- 5.2.1. Nearest sites of nature conservation interest lie c.300m to the east of the site and comprise Lough Muckno pNHA (site code 000563). Nearest European sites are >10km from the site.

5.3. EIA Screening

- 5.3.1. The proposed development is a change of use with modest internal works. The development does not, therefore, constitute an EIA project and no assessment is required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Third party appellant owns the property to the west and north of the appeal site (Appendix C of submission). Grounds of appeal are:
- Application - Stated address is imprecise and misleading. Some sections of the application form are unanswered (section 7, date on which legal interest acquired the land; section 13, nature of existing use; section 16(2), details of previous applications made in respect of the site), no reference to rear balcony in legal notices or alterations to rear elevation. Application should be invalidated.
 - Ownership – Land registry documents indicate that Barry Lysaght owns the site (31st October 2018). If he is the owner, the application should have been

made in his name or the applicant should have got his permission to make the application.

- Impact on town centre – The proposed development would conflict with policy TCO 3 and make no positive contribution to ensuring that the town centre continue to provide a focus for shopping (appellant refers to Monaghan County Development Plan 2013-2019, TCO 3 is now TCO 2 in current CDP). There is little demand for tourist accommodation, including hostel accommodation, in the town. Development may damage existing tourist accommodation within the town and proposed hostel accommodation in the Council owned Hope Castle and annex buildings in Lough Muckno Demesne.
- Impact on amenity/value of adjoining property - Balcony to rear is north facing, has commercial development on each side and will provide poor quality external space. Development is close to adjoining kerosene tank, would create a fire hazard, compromise a security and give rise to anti-social behaviour (likely to be used for smoking and drinking). Development would devalue appellant's property. Applicant's RFI states that balcony will be omitted, but plans indicate its retention. Planning authority's grant of permission requires details to be submitted on appropriate balcony screening. Condition does not allow the appellant to make submissions on it and the balcony should have been omitted.
- Inadequate accommodation – The development provides inadequate parking provision, bicycle storage, storage for sports equipment, no useful recreational area, no access to rear yard (e.g. for bins, except through ground floor of property which is in different ownership).
- Viability/rationale – Past hostels in the area have failed. The proposed development is not viable and is a route to allow a further change of use that would come with hostel status.

6.2. Applicant Response

- 6.2.1. The applicant did not respond to the appeal within the required timescale.

6.3. **Planning Authority Response/Observations/Further Responses**

- None.

7.0 **Assessment**

7.1. The key issues to be addressed in this appeal relate to:

- Validity of application/ownership.
- Principle.
- Impact on amenity/value of adjoining property.
- Adequacy of accommodation.

7.2. The appellant also refers to the viability of the proposed development, however, this is a matter which largely lies outside of the planning system. Any application for development must be determined on its merits and not on any potential future use.

7.3. **Validity of Application/Ownership**

7.3.1. Planning authorities are responsible for validating planning applications are required to take a reasonable approach (Development Management Guidelines). I would accept that some of the omissions referred to by the appellant are not unreasonable e.g. planning history of the site. However, I would comment on the following:

- Reference to rear balcony/alterations – The purposes of public notices is to inform the public of the proposed development and alert them to its nature and content. In this instance, the notices provide a brief indication of the nature extent of the development and allow interested parties to obtain further information. They are, therefore, consistent with the guidelines set out in the Development Management Guidelines for Planning Authorities.
- Ownership – The applicant has indicated that he is the owner of the appeal site but has provided no evidence of this. However, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development.
- Location – The planning authority advises that an applicant can give the townland as an appropriate address for a planning application. In this

instance, given the location of the site on Main Street, I would accept that the townland address is quite generic. However, the purpose of the public notices has been served and a valid appeal has been submitted in respect of the development.

7.4. Principle

- 7.4.1. The appeal site lies within land zoned 'town centre' in the current Monaghan County Development Plan. The objective of the zoning is to provide, protect and enhance town centre facilities and promote town centre strengthening. Hostels are a permitted use within the zone. Tourism policies in the current County Development Plan seek to promote/strengthen Monaghan as a tourist destination and provide high-quality tourism products and services within the County, in particular quality hotels and visitor accommodation facilities.
- 7.4.2. Within this policy context, the proposed development is, in principle, acceptable within the town. Furthermore, the development is modest in scale, pitched at a distinct market and unlikely to have any strategic effect on the existing facilities referred to by the applicant. Any increase in visitor numbers in the town is also likely to have a positive effect on the vitality and viability of the town centre.

7.5. Impact on amenity/value of adjoining property.

- 7.5.1. There is a lack of clarity regarding the applicant's intentions regarding the provision of external space. Whilst it is stated in the RFI that the amenity space will be provided at ground floor, it is shown in Drawing P102.00 at first floor. In addition, the planning authority has conditioned that the applicant submits details of balcony screening (condition no. 2).
- 7.5.2. As presented in Drawing P102.00, the proposed balcony is offset from the appellant's property by c. 1m and I would accept the planning authority's approach that matters of overlooking, fire safety and security could be addressed by appropriate boundary treatment. However, such provision could also reduce the amenity value of the external space and the overall quality of the tourism product on offer at the premises. This matter is discussed further below. If the Board are

minded to grant permission for the development, I would recommend that the external amenity space is provided at ground floor.

7.6. Adequacy of Accommodation

- 7.6.1. Policy TMP 2 of the County Development Plan states that applications for tourism development will be considered in line with usual planning criteria and will be subject to high standards of design and materials. Policy TMP 7 facilitates the provision of quality hotels and visitor accommodation facilities.
- 7.6.2. The proposed development provides hostel accommodation at first and second floor of the existing building. The existing building directly adjoins property on each side and the plans submitted do not clearly indicate this built context i.e. extent of lateral extension of adjoining buildings or height of rear extensions. Notwithstanding this, plans for the development indicate that individual rooms will be lit by mid-level roof lights, on the western side of the property, with views out to adjoining commercial property.
- 7.6.3. As stated, the applicant proposes an external balcony area to the rear of the property at first floor, with external stair access to the smoking area associated with the existing gaming arcade. Bin storage is to the rear of the gaming facilities, with street access via these premises and no bicycle storage is proposed.
- 7.6.4. Whilst I have accepted that the principle of the proposed development is acceptable on the site and I am mindful that the applicant proposes budget accommodation, the detailed arrangements for the provision of tourist accommodation suggest a poor overall standard of accommodation, for example, providing a series of rooms with little or no outlook and limited support facilities e.g. area for the storage of bicycles and other equipment, drying room/facility for wet clothes¹ and poorly detailed amenity space. As presented, I consider that the development is inconsistent with the clear policies of the County Development Plan which seek the provision of quality hotels and visitor accommodation facilities.
- 7.6.5. I note that the proposed development provides no car parking. However, given the proposed use, its town centre location and the parking requirement associated with

¹ As required by Regulations for Holiday Hostels – Appendix 1 of RFI, section 1.12).

its existing use (see section 4.2.1 of applicant's RFI), I do not consider that there is any need to provide additional parking for the proposed development.

8.0 Appropriate Assessment

8.1. The subject development comprises change of use on an existing site, in an established urban area. No Appropriate Assessment issues therefore 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.

9.0 Recommendation

9.1. Having regard to the above, I recommend that permission for the proposed development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

Policies of the Monaghan County Development Plan 2019 to 2025 facilitate the provision of quality visitor accommodation facilities. Having regard to the detailed design, layout and configuration of the proposed development, it is considered that it would provide a poor standard of visitor accommodation in respect of bedroom accommodation, amenity space and facilities, and would conflict with the stated objectives of the County Development Plan. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

20th June 2019