



An
Bord
Pleanála

Inspector's Report

ABP-308245-20

Development	To retain and complete variations to the originally permitted development (granted under Planning Ref. No. PD/06/1457) and permission for amendments to site boundaries, site layout and the use of the building.
Location	Clegna Td., Cootehall, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	20/151
Applicant(s)	Adrian Lenehan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party vs. grant
Appellant(s)	Rosmarie Bruen
Observer(s)	None
Date of Site Inspection	16 th December 2020
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is within the village of Cootehall, in the north of County Roscommon, between Carrick-on-Shannon (c. 6km to the southeast) and Boyle (c. 9km to the west). The village is located on the River Boyle, which meets the River Shannon approximately 4 kilometres to the southeast. There are several lakes in the surrounding area, including Lough Key and its associated 'Forest & Activity Park'.
- 1.2. The village has generally developed around the river, the former Coote Hall estate to the west of the appeal site, and a triangular 'village green' to the south. A number of housing developments appear to have been added in recent decades. To the south of the village a new marina and waterfront restaurant has been developed.
- 1.3. The site itself has a stated area of 0.097 hectares and effectively consists of two sections separated by a boundary wall consisting of stone and concrete blocks. The north-eastern section of the site has already been developed and contains the existing vacant 2-storey building and associated spaces. The south-western section is undeveloped and is part of a larger field that appears to be in agricultural use.

2.0 Proposed Development

- 2.1. Permission is sought to retain and complete variations to a permitted development (P.A. Ref. PD 06/1457) which involved the demolition of a two storey dwelling and the construction of a two-storey building comprising 3 retail units at ground floor level and office space at first floor level.
- 2.2. Permission is also sought for the following:
 - Amendments to the approved site boundaries to incorporate the undeveloped area to the southwest of the existing developed site;
 - Amendments to the site layout to incorporate additional parking and circulation space; and
 - Use of the building for office accommodation in ground floor unit 1; art display / retail area and coffee dock in ground floor unit 2; and 6 guest accommodation suites on the first floor.

2.3 The application states that the office unit will likely act as a standalone rental. The remainder of the building will be run by a single entity where reception and 'continental' breakfast facilities will be provided downstairs for guests. The applicant intends to promote the tourism accommodation towards the walking / cycling / boating market.

3.0 Planning Authority Decision

3.1. Decision

By order dated 27th August 2020, Roscommon County Council (RCC) issued notification of the decision to grant permission subject to 12 conditions. The conditions are largely standard in nature, except perhaps condition no. 2, which states as follows:

'The proposed guest accommodation suites at first floor level shall be for short term letting use only and shall be operated in conjunction with the proposed coffee dock, and shall not be operated as a separate business.'

Reason: In the interest of proper planning and development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's initial assessment can be summarised as follows:

- The site is located within a serviced village that is classified as Tier 4 in the Settlement Hierarchy and is within the village boundary of Cootehall as per the Lough Key LAP 2015-2021.
- The Development Plan seeks to control retail development outside settlements and to regulate retail within settlements such that they are proportionate to the existing centre.
- The Lough Key LAP sets out the land use strategy for Cootehall village and places a strong emphasis on community development and enhancing economic and social development.

- Whilst it is acknowledged that a commercial enterprise has been permitted, the intensification of use may give rise to planning issues.
- Ten parking spaces is sufficient for the proposal.
- The provision of the car park requires the demolition of a wall. It is not clear whether this is a boundary wall of an adjoining Protected Structure, but it is not considered that its removal would impact on the character of the Protected Structure.
- The report noted that a 3rd party submission raised a question regarding site ownership and recommended a Further Information Request to clarify this matter.

In accordance with the planner's recommendation, Further Information was requested on 15th July 2020 to clarify the question of ownership. The applicant responded to the request on 21st July 2020 and submitted public notices advertising the submission of 'significant further information' on 31st July 2020. The subsequent planner's report can be summarised as follows:

- The Further Information response outlines that there is an ongoing boundary dispute. However, the planning authority is satisfied that the applicant has shown sufficient legal interest to make the application.
- A grant of permission was recommended, generally in accordance with the terms of the RCC notification of decision.

3.2.2. **Other Technical Reports**

No evidence of reports on file.

3.3. **Prescribed Bodies**

No evidence of submissions on file.

3.4. **Third Party Observations**

A number of 3rd party objections to the development were received. The issues raised are largely covered in the grounds of appeal, but do include some additional issues as follows:

- The application is significantly different to that previously permitted.
- A front (roadside) door should be re-instated to improve the appearance.
- There is Bat activity on the site and these species should be protected.
- In light of Covid-19 circumstances it would be inadvisable to provide unnecessary accommodation on the upper level.

4.0 Planning History

P.A. Ref. PD 06/1457: Permission granted (21/11/2006) to demolish existing two storey dwelling and to construct a two-storey building comprising of 3 no. retail units at ground floor level and office space at first floor level, carry out associated site development works including connection to proposed public services, provision of ancillary car parking.

The Board should note that the drawings on file relating to PD 06/1457 do not reflect the permitted development. According to details on the Roscommon County Council website, these drawings were superseded by a revised design, submitted in response to a Further Information request, to which I have had full regard.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative plan for the area is the Roscommon County Development Plan 2014 2020, the lifetime of which has been prolonged in accordance with the provisions of section 11(1)(b) of the Planning and Development Act 2000 (as amended). The relevant provisions of the Plan can be summarised as follows:

- The Settlement Hierarchy classifies Cootehall within 'Tier 4: Serviced & Unserviced Villages and the Countryside'. Section 2.3.6 of the Plan outlines that such settlements will be afforded an opportunity to grow in proportion to their existing size and within a compact alignment with the existing footprint.
- One of the 'Actions' set out in section 3.1.2 of the Plan is to facilitate only smaller scale or alternatively natural resource/rural based industrial and

commercial development in smaller settlements, which would not militate against industry and commerce in the region's larger settlements.

- **Policy 3.62:** Promote sustainable tourism development in towns and villages and direct tourism-based development into existing settlements.
- **Policy 3.64:** Promote the development of niche activities, such as those relating to angling tourism and hill-walking.
- **Policy 3.69:** Support tourism development of appropriate scale within settlements on the Shannon Corridor, including Cootehall, which focuses on the provision of tourist services for water-based tourism.
- **Policy 3.73:** Proposals to renovate existing, vacant, derelict or disused buildings for holiday accommodation will be given favourable consideration subject to normal planning criteria.
- **Policy 6.1:** Identify and protect the architectural heritage of the county in such a way as to retain its character and special interest.
- **Objective 6.11:** View as unfavourable, development which is likely to adversely affect the character or setting of a protected structure.

5.2 Lough Key Local Area Plan 2015-2021

5.2.1 The main aim of this LAP is to set out a framework for the sustainable development of the area, while at the same time being sensitive to its natural environment.

Cootehall is the primary settlement within the area and is noted as being rich in natural beauty and generally renowned as an ideal area for recreational activities, including boating, angling, walking and hiking. The appeal site is located within the identified 'village boundaries' for Cootehall. However, no zoning objectives have been established for the village.

5.2.2 Section 4.1 outlines the following relevant 'challenges':

- Continuing to develop the tourism base in the area is essential to the local and wider economy.
- Ensuring there is no further loss of retail provision in Cootehall.
- Securing occupancy of the existing vacant commercial premises in Cootehall is essential to provide some degree of business activity in the village.

5.2.3 Section 4.2 sets out the following relevant 'opportunities':

- Increase commercial and economic activity in Cootehall, with commercial ventures which would serve both residents and tourists.
- Restoration of derelict and unused properties for the purpose of providing tourist accommodation.

5.2.4 The Strategic Aims for Cootehall include the promotion of economic, community and social development; supporting local business initiatives; protecting the village character; and consolidation of the village core.

5.2.5 Section 7.9 sets out relevant policies relating to recreation, leisure and tourism, which facilitate the development of new private and public infrastructure and facilities. Section 7.11 deals with economic development and employment and promotes the enhancement of a strong tourism base, new employment opportunities and rural diversification enterprises.

5.3 **Natural Heritage Designations**

The nearest designated site is Lough Drumharlow Proposed Natural Heritage Area, approximately 300 metres south of the appeal site. There are no Natura 2000 sites in proximity to the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The decision of RCC to grant permission has been appealed by Rosmarie Bruen, the stated owner and occupier of the dwelling directly north of the appeal site. In summary, the grounds of appeal are as follows:

- The application should have been deemed invalid as the public notices and application form did not adequately describe the nature and extent of the development, including change of use.
- The drawings submitted did not clearly show the extent of existing and proposed development and its relationship with surrounding development.
- No planning fee was paid for the proposed car park.

- The proposed parking is grossly inadequate and will lead to traffic hazards. A total of 14 spaces would be necessary, as well as set-down and pick-up facilities for coaches etc. to transport guests such as ‘stag’ and ‘hen’ groups.
- There will be a loss of a ground floor retail unit to accommodate short-term let bedrooms.
- The first-floor guest accommodation will result in overlooking of the appellant’s property and will diminish its privacy and enjoyment.
- The application should have been referred to Failte Ireland.
- The appellant’s original objection was not properly considered.
- The proposal conflicts with policies to prioritise tourism accommodation in Boyle; to control short-term letting; and to protect residential amenity.
- The wall to be demolished is a boundary of the Protected Structure and the impact should have been assessed with conservation expertise.
- The Further Information Request was not properly published, and the appellant was not given adequate opportunity to comment.
- The conditions of the decision are inadequate and do not provide sufficient clarity on the terms of the development.
- The appellant does not consent to the registration of the site boundaries and contends that this is legally challengeable.

6.2. Applicant Response

The applicant’s response to the grounds of appeal can be summarised as follows:

- The development represents an opportunity to revitalise the site with a tourism proposal that is in line with Development Plan policy.
- The application contained sufficient public notice, details and drawings to describe the full nature and extent of the development. No use was ever established for the building and the description of the development was worded accordingly.

- Cootehall is a quiet village, with no facilities that would attract the kind of clientele indicated by the appellant. The proposal is aimed at the outdoor activity market.
- It is proposed to install vertical blinds to all first-floor windows to address the appellants overlooking concerns.
- The proposed entrance and parking arrangements have been deemed acceptable by the planning authority.
- The proposed redevelopment of the site would have a positive impact on the area and the setting of the Protected Structure.
- The applicant will comply with all conditions outlined in the RCC decision.
- The response outlines the applicant's understanding that the gable wall of the building was partly built over the land boundary line and that no works are proposed outside the boundary.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

7.1 Having regard to the documentation submitted in connection with the application and the appeal, and having inspected the site, I consider that the main issues for assessment are as follows:

- The principle of the development;
- Visual amenity and built heritage;
- Traffic;
- Residential amenity;
- The validity of the application; and

- Land ownership.

7.2 The principle of the development

7.2.1 The development involves the retention and completion of works to a vacant commercial building, together with the enlargement of the site to facilitate additional car parking. The building will principally be used as a tourism guest accommodation business with associated retail / coffee shop facilities at ground floor level. A separate office unit will also be provided at ground floor level.

7.2.2 I consider that local planning policy recognises the attractiveness and tourism potential of Cootehall and the surrounding area, particularly in relation to outdoor activities. The policies support the strengthening of tourism facilities within existing settlements, and particularly within existing vacant buildings. The proposed development would be consistent with these policies and would be of a limited scale that would be appropriate to a 'Tier 4' settlement.

7.2.3 While concerns highlighted in the LAP regarding the limited retail offer in Cootehall are acknowledged, I consider that the proposal maintains a strong retail / service presence that would ensure at appropriate level of activity at street level. The proposed ground floor units would provide services to tourists and locals alike and, accordingly, I would not be concerned about the loss of the existing vacant retail units.

7.2.4 Having regard to the above, I consider that the proposed development is consistent with planning policy in relation to tourism and commercial development and I would have no objection to the principle of the proposed development.

7.3 Visual amenity and built heritage

7.3.1 The existing building appears to have been vacant for several years and currently forms an unsightly presence in the village centre. However, I consider that this adverse visual impact is due to the vacancy and neglect of the building, and not because of any design changes. I consider the building to be generally consistent with the scale and character of that previously permitted and, accordingly, I have no objection to the retention of the alterations. Furthermore, the works proposed to complete the building are relatively minor alterations to elevations and I have no objection in this regard. The refurbishment and occupation of this vacant building

would help to remove dereliction and would have a significant positive impact on the visual amenity of the area.

7.3.2 Aside from the building itself, it is proposed to extend the site to include a small section of the adjoining field. This involves the removal of an existing boundary to the southwest of the building, consisting of a mixture of stone wall and concrete blocks. The appeal contends that this is a boundary wall of the Protected Structure to the west (i.e. RPS No. 00700182, Cylindrical Tower & House). However, having inspected the site and recent available imagery, it appears clear to me that this is a modern structure that was constructed in tandem with the existing building on site and, accordingly, is of no heritage value. I note that it is not proposed to alter any roadside boundary walls, which collectively form a particularly attractive characteristic of the village.

7.3.3 The presence of the Protected Structure to the west, on the historical site of Coote Hall itself, is acknowledged. The enlarged site would incorporate a small corner of the field adjoining the protected structure. However, the development would still maintain a distance of c. 90 metres from the protected structure and would be at a significantly lower level. Given the limited scale of the proposed works, I do not consider that the proposed development would adversely impact on the setting of the protected structure. However, the proposed new southern and western site boundary (i.e. a block plastered wall) should be replaced with a stone wall and landscaping to integrate with the surrounding environment, which could be agreed by condition.

7.3.4 Having regard to the above, I consider that the retention and completion of the building would have a positive impact in terms of visual amenity, and that the additional works, including the enlargement of the site, would not detract from the built heritage of the area.

7.4 **Traffic**

7.4.1 The permitted vehicular access to the site, including 7 car-parking spaces to the rear, was to the north of building. One further parallel parking space was permitted in a small setback area to the south of the building. A shortfall of 2 car-parking spaces was covered by a requirement to pay a financial contribution.

7.4.2 The proposed development involves the provision of ten parking spaces to be accessed via one entrance to the south of the building. In terms of traffic generation, the car-parking requirements of the Development Plan (section 9.38) are a useful guide to anticipated volumes. An assessment of the requirements of the proposed development is set out in Table 1 below.

Table 1: Car-parking space requirements

Use Type	Development Plan Requirement	Proposed Development
Guest House / B&B	1 per bedroom	6
Office	1 per 50 sq.m.	c. 52 sq.m. = 1
Shop / Coffee Shop	1 per 20 sq.m.	c. 100 sq.m. = 5
Total		12 spaces

7.4.3 According to the requirements set out above, which I consider reasonable, the proposed development would not be likely to result in significant parking demands and associated traffic movements. While the ten proposed spaces would represent a shortfall of two spaces, I consider that there is adequate space within the site to accommodate 12 spaces and this could be agreed by condition. I acknowledge that the Development Plan standards also refer to set-down / pick-up facilities for cars and coaches associated with tourism accommodation. While adequate car circulation space is provided on site, I do not consider that coach facilities would be required for a development of this limited scale. Given the nature of the development it is reasonable to expect some level of walking and cycling traffic and this should provide some additional headroom in relation to the likely parking demands generated by the development.

7.4.4 Compared to the previously permitted arrangement, the proposed development will provide additional parking at a consolidated off-street location via a single entrance, which is considered a more favourable arrangement. I have considered the available sightlines from the proposed entrance and I consider it acceptable at this village centre location where a 50 km/h speed limit applies.

7.4.5 Having regard to the above, I consider that the proposed development would resolve some outstanding concerns associated with the original development, would accommodate the traffic requirements likely to be generated by the development, and would not interfere with the safety and free flow of traffic at this location.

7.5 Residential amenity

7.5.1 The appeal raises concerns about the impact of the development on the adjoining residence to the north, particularly in relation to overlooking. In this regard I note that it is proposed to block-up the two existing windows on the northeast side elevation. The closest first-floor rear windows (i.e. in Suite 1) would effectively be changed from the permitted office bathroom windows to guest bedroom use. Whilst there would be some degree of overlooking of a portion of the adjoining garden, I consider that adverse impacts would be limited.

7.5.2 In terms of impacts on residential amenity, I do not consider that any other existing or proposed alterations would raise significant concerns. The building is largely consistent with the position and scale of that previously granted.

7.5.3 Having regard to the above, and the location of the building within the village centre where mixed uses are encouraged, I do not consider that the proposed development would significantly detract from the residential amenity of surrounding properties.

7.6 Validity of the application

7.6.1 The appeal raises several issues in relation to the processing of the application by the planning authority, including questions regarding the adequacy of the development description; the extent of detail and drawings submitted; referral and consultation procedures; and the proper consideration of submissions received. Whilst these procedural issues are a matter of responsibility for the planning authority, I consider that the application includes adequate drawings and details to understand the full nature and extent of the development, and to also carry out an assessment and determination of this appeal.

7.7 Site ownership

7.7.1 It is clear from the documentation on file that there is an ongoing dispute regarding land ownership, and particularly the boundary with the adjoining property to the north. From the available details it would appear to me that the building footprint is

largely consistent with that previously permitted. Furthermore, the proposed site boundary with the adjoining property to the north is significantly further south than the boundary of the previously permitted development. I note the details on file submitted on behalf of the applicant outlining his interest in the subject site.

7.7.2 In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. In any case, this is a matter to be resolved between the parties, having regard to the provisions of section 34(13) of the Planning and Development Act 2000 (as amended).

7.8 Other issues

7.8.1 The building appears to be vacant for several years and on inspection of the site I noted that existing openings may be providing access for wildlife. A mature tree will also be removed as part of the development. Both the building and tree have the potential for bat roosting and, accordingly, I consider that a condition should be attached to any permission requiring appropriate measures for the protection of bats.

7.8.2 It is proposed to connect to the existing water and wastewater services on site. The additional surface water generated by the increase in the site footprint be accommodated by the proposed attenuation system and I have no objection in this regard.

8.0 Appropriate Assessment

8.1. Having regard to the nature and scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Reasons and Considerations

Having regard to the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the Roscommon County Development Plan 2014 – 2020 and the Lough Key Local Area

Plan 2015-2021, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect on built heritage or detract from the character of the area, would not seriously injure the amenities of adjacent residential property, would not be prejudicial to public and environmental health 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. Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

4. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

5. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

6. A total of 12 no. car-parking spaces shall be provided within the site. The location and layout of these spaces and associated bicycle spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

7. The proposed southern and western site boundaries shall consist of natural local stone and tree planting, the exact height and details of which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. The treatment of the interface with the edge of the public road, and any other implications for public utilities along the public road, shall be in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety.

9. Details of the proposed signage on the shopfronts (including colouring, materials and lettering etc.) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. A plan containing details for 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 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

Stephen Ward
Senior Planning Inspector

13th January 2021