



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314971-22

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<b>Development</b>	Change of use of existing public house & first floor level habitable accommodation into a mixed use building consisting of a remote working hub area and self catering apartments.
<b>Location</b>	St. Mary's Street, Drumlish, Co. Longford.
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	21374
<b>Applicant</b>	Seamus Gallagher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Brian McNamara Owen Quinn
<b>Date of Site Inspection</b>	4 <sup>th</sup> September 2023
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located at St. Mary's Street, Drumlish, Co. Longford. A disused public house occupies the ground floor of part of the premises. There are also two commercial units at ground floor.
- 1.1.2. The site is rectangular with a north-east to south-west orientation in line with the main street, with an additional portion at the north east corner, to the rear of the street. The site is occupied by a number of buildings in a continuous line:
- a two storey building with a credit union and barber shop together with a gateway and residential entrance at ground level, occupies the most northern portion. This has a new pitched roof and the appearance of having been updated,
- the second building is also a two storey building, of more dated appearance and an older pitched roof, with a large two storey, gable projection to the front, which includes a large porch / entrance to the public house, and a small porch adjoining, which appears to be domestic,
- the third building at the southern end is a smaller single storey, flat-roofed building, forward of the building line, which presents to the street as a doorway and vehicular entrance.
- 1.1.3. Apart from the forward projections, which have feature stone, the buildings are finished in render.
- 1.1.4. There was no access to the site on the date of inspection.
- 1.1.5. The site is given as 0.045ha.

## 2.0 Proposed Development

- 2.1.1. It is proposed to change the use of the existing public house & first floor level habitable accommodation, into a mixed use building consisting of a remote working hub area, and self catering apartments which include the following; (i) reception, kitchen/canteen, office, meeting room, individual hub stations, hot desk areas & an accessible self catering apartment on ground floor level & (ii) 6 no. self catering apartments at first floor level.

Full planning permission is also being sought for the proposed conversion of the existing attic space into habitable accommodation, the proposed change of use of the existing ground floor level domestic garage for use as part of the remote working hub, and also the proposed construction of an extension above the existing ground floor level domestic garage to form part of the first floor level self catering apartment development; and all ancillary works.

The plans show existing and proposed windows in the south-eastern wall of the building, which for most of its length is the boundary wall. The elevations indicate that the windows in the south-eastern boundary wall, both existing and proposed, will be glazed in obscured glazing.

The plans for ground first and second floors, showing several stairways accessing upper floors, do not match. A single sectional drawing, which is a section across the main building, shows the attic area and is referred to in the assessment, which follows. No similar drawing is provided for the proposed domestic garage conversion.

Plans showing the existing layout are not provided. Roof plans are not provided.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority decision, dated 6<sup>th</sup> October 2022, was to grant-permission, subject to 9 conditions, including:

2 – use restricted to short-term accommodation, 3 – external finishes, 4 – refuse storage, 5 – parking, 6 – surface water, 7 – road drainage, 9 – development charge.

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

3.2.1. Planning Reports

3.2.2. There are three planning reports on the file. The first, dated 14<sup>th</sup> February 2022, recommending further information, which issued, includes:

- Zoned town centre.
- It is considered that the proposed development is in keeping with this zoning.

### 3.2.3. Other Technical Reports

#### 3.2.4. Senior Assistant Chief Fire Officer, 10<sup>th</sup> February 2022 –

- Vehicular access for Fire Brigade shall be provided in accordance with Table 5.2 of TGD B of the Building Regulations, 2006.
- Re. Fire hydrants.
- Re. Fire extinguishers.
- Oil fired equipment, boiler house and oil storage shall comply with BS 5410.
- LPG storage and installation shall comply with the relevant Irish Standards, or equivalent.
- The building shall comply with the requirements of the Safety Health and Welfare at Work Act, 2005.
- The means of escape from all apartments to be in accordance with the recommendations of B1 of TGD B.
- Photovoltaic cells, if provided, are to be installed to the manufacturer's recommendations. Arc fault protection is to be fitted and clarification as to whether there is any access (eg for maintenance) to the areas where the cells are situated. The PV panels should be installed in accordance with the recommendations of the Sustainable Energy Authority of Ireland and the Risk Insight Strategy and Control Authority Guidance Document 'Recommendations for Fire Safety with Photovoltaic Panel Installations', as appropriate.
- The development shall be designed and constructed as to meet the recommendations of Building for Everyone: A Universal Design Approach, published by the National Disability Authority with regard to access, egress and circulation space for people with disabilities.

#### 3.2.5. Area Engineer, 11<sup>th</sup> January 2022 – no objection.

### 3.3. Prescribed Bodies

#### 3.3.1. Uisce Éireann, 1<sup>st</sup> October 2021 – further information.

#### 3.3.2. Uisce Éireann, 31<sup>st</sup> January 2022 – further information.

3.3.3. Uisce Éireann, 26<sup>th</sup> August 2022 - to date they have not received sufficient information.

3.3.4. HSE, 2<sup>nd</sup> November 2021 – conditions.

### 3.4. Further Information

3.4.1. A further information request, on 3 points, issued 15<sup>th</sup> February 2022, which includes:

- Per Irish Water
  - Submit the storm water sewer layout and where it comes out of the building.
  - The foul sewer layout and where it comes out of the building
  - The connections are to be separate; no combined drains are accepted.
- Submit revised plans showing suitable parking.
- Submit a shadow impact assessment.

3.4.2. A further information response was received 8<sup>th</sup> August 2022, including:

Letter from Cunningham Design & Planning which refers to the existing car-parking demand and the lesser requirement for the proposed development.

Report titled Effects on Sunlight Reception Analysis.

Revised layout which indicated points of connection to existing water and wastewater services.

### 3.5. Further Reports

3.5.1. The second planning report, dated 30<sup>th</sup> August 2022, recommending clarification of further information, which issued, includes:

Irish Water have indicated that to date it has not received sufficient information.

3.5.2. A request for clarification of further information, issued 15<sup>th</sup> February 2022, which includes:

Per Irish Water

- Submit the storm water sewer layout and where it comes out of the building.
- The foul sewer layout and where it comes out of the building.
- The connections are to be separate; no combined drains are accepted.

Insufficient information in the responses received.

3.5.3. A clarification of further information response was received 14<sup>th</sup> September 2022, including:

- Revised site layout which now shows the connection of the existing building into the existing storm water layout and which shows where it comes out of the building.
- Revised site layout which now shows the connection of the existing building into the existing foul sewer layout and where it comes out of the building.
- They have taken on board the comments in relation to item number 1c and it is evident that the foul sewer and surface water are not combined.
- Reference to the Annual Environmental Report 2020 for Drumlish which indicates that there is capacity in the wastewater treatment plant.

3.6. Further reports

3.6.1. The third planning report, dated 5<sup>th</sup> October 2022, recommending permission, which issued, includes:

- Satisfied with the responses.

3.7. **Third Party Observations**

3.7.1. Third party observations have been read and noted.

4.0 **Planning History**

21-286 – incomplete application for change of use of existing public house & first floor habitable accommodation to mixed use building consisting of a remote working hub area and self-catering apartments which includes

Reception, kitchen /canteen, office, meeting room, individual hub stations, hot desk areas & an accessible self-catering apartment on ground level and

6 no. self-catering apartments at first floor level.

Proposed conversion of the existing attic space into habitable accommodation together with the proposed change of use of existing ground floor level domestic garage for use as part of the remote working hub. Proposed extension above the existing garage to form part of the first floor level self-catering apartment development.

04-532 - planning permission granted for change of use of existing domestic garage to commercial unit, new shop front extension above and above existing public house etc.

## **5.0 Policy Context**

### **5.1. Development Plan**

Proposals for new apartment schemes should be designed in line with design criteria as set out in the 2018 Ministerial Guidelines - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (or any subsequent update).

The Council in assessing development proposals will consider the following criteria: DMS 16.58 – private open space - studio apartment (1 person) 4sq.m; 1-bedroom apartment (2 persons) 5sq.m; 2-bedroom apartment (4 persons) 7sq.m; 3-bedroom apartment (5 persons) 9sq.m.

Volume 2 of the plan includes a plan for Drumlish:

Zoned town core – to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses. Residential development and commercial development are permitted in principle.

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

- 5.2.1. Lough Forbes Complex SAC, site code 001818, c8 km straight line distance to the south west, is the nearest Natura site.



### **5.3. EIA Screening**

- 5.3.1. The location is on zoned, serviced land within a settlement in a location with no notable sensitivities.
- 5.3.2. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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.

## **6.0 The Appeal**

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

- 6.1.1. Liam Madden agent has submitted the appeal on behalf of the appellant Brian McNamara. The grounds include:
- Appellant contests ownership.
  - The applicant has not demonstrated sufficient legal interest or estate in the application lands to enable him to carry out the development if a permission were to issue.
  - There is no provision for parking and / or rubbish.
  - It is unsustainable and contrary to proper planning and development.
- 6.1.2. Owen Quinn has submitted an appeal. The grounds include:
- 1) The rear and side walls of the applicant's building (SE and SW) are built directly on the boundary of the appellant's land. No permission was ever given for the windows in this boundary wall and, as they are overlooking private property, this results in a complete lack of privacy.
  - 2) New and existing windows in the boundary wall should be blocked up.
  - 3) No vents, extractor fans, TV aerials or Satellite dishes are permitted.

- 4) There are no access routes to the rear or side of the property and therefore no fire escapes or balcony areas are permitted. There is no access to the back of the building.
- 5) Appellant's bungalow is adjacent should not be altered or affected. His roof should remain untouched.
- 6) All fascia, soffit and guttering should remain in-line with the boundary wall with no overhang onto appellant's property.
- 7) Although plans state no change required to foul sewer / waste system, only recently repair works were carried out on the connection from the applicant's property to the main sewer line. With the addition of six self-catering apartments, office space, canteen and laundry room, is the connection sufficient to deal with all this extra capacity?
- 8) What parking will be available. Appellant often has an issue gaining access to his property with cars blocking the gateway.

## 6.2. Applicant Response

6.2.1. Cunningham Design & Planning, agent, has submitted a response to the Brian McNamara grounds of appeal, on behalf of the applicants. The response includes:

- The basis of the attached appeal is in relation to boundary issues. It is not up to the planning process to deal with legal issues / boundary disputes. In the event of a successful grant of planning permission, the existing footprint of the building is not changing but instead the roof height and its use.

6.2.2. Cunningham Design & Planning, agent, has submitted a response to the Owen Quinn grounds of appeal, on behalf of the applicants. The response includes:

- The applicant is willing to accept a condition that all existing and proposed windows that face out onto the appellants land have obscured glass and confirms that the applicant is also willing to accept a condition in relation to items 3-6 inclusive of the appeal.

## 7.0 **Assessment**

7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, residential amenity, legal / ownership issues and other issues, and the following assessment is dealt with under those headings.

### 7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development, 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.

### 7.3. **Principle of Development**

7.4. The site is within a serviced settlement area, which is subject to the zoning 'town core' – to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.

7.5. The proposed development is acceptable in principle.

### 7.6. **Residential Amenity**

7.7. Existing Residents.

7.8. The residential amenity of existing residents is referred to in the grounds of appeal.

7.9. There will be no overlooking of adjoining property from the proposed development. Windows with potential for overlooking are to be glazed with obscured glazing.

7.10. Overshadowing

7.10.1. A shadow drawing was submitted in response to a request for further information.

7.10.2. It concludes that sunlight reception in the existing neighbouring amenity space is comfortably in excess of the minimum recommendations of the BRE Report – Site Layout and Planning for Daylight and Sunlight.

- 7.10.3. As the site is north of the property adjoining referred to in the report sunlight to that property will not be impacted by the proposed extension.
- 7.10.4. Apart from the extension above the domestic garage, roof alterations are not stated in the application description or drawings. A higher roof could cast some shadow to the north, which is not considered in the report titled Effects on Sunlight Reception Analysis.
- 7.11. Future Residents.
- 7.11.1. I share the concerns of the appellant regarding windows in boundary walls. Windows in boundary walls are undesirable because of the risk of spread of flames to an adjoining property; and having regard to right to light. I do not consider that the argument for allowing additional windows in the boundary wall has been adequately made in this case.
- 7.11.2. Apartment number 6, which includes part of the extension over the existing domestic garage, has no windows from which occupants could look out. It is proposed to be provided only with wall windows and roof windows, glazed in obscured glazing. This would provide substandard residential accommodation and afford future residents substandard residential amenity.
- 7.11.3. No private open space is being provided to any of the proposed apartments. The criteria against which apartments are to be considered, per DMS 16.85 of the Longford County Development Plan 2021-2027, includes the provision of private open space.
- 7.11.4. The proposed apartments would be sub-standard for permanent residential occupation.
- 7.11.5. One sectional drawing has been provided. It is for an area under the main roof. In relation to the attic conversion, it indicates headroom of 2.2m maximum at the roof apex, down to 0.9m at the sides of the room. It is not clear, given the absence of detail, if this is the floor to ceiling height, or if a ceiling is to be provided within the building envelop, within this limited headroom. As shown, the room height is inadequate and would provide substandard accommodation. In the part of the proposed extension, which is above the converted domestic garage, the second floor headroom would be even more restricted. No sectional drawing has been provided

for this area, but the roof apex, from the elevational drawings, is about 1m lower than the main building and therefore the headroom appears to be 1.2m maximum, and lower at the sides of the room. The attic areas would provide substandard residential accommodation and any development at this level would not be acceptable.

- 7.11.6. It is noted that the conditions drafted by the planning authority, include that the proposed residential development be used for short-term rental only. The term 'self-catering apartments' used in the notices, may indicate that the proposed apartments are intended for short term letting. I would not be as concerned at the inadequacy of the private open space provision in such circumstances. The limited period for any let should be specified by condition.
- 7.11.7. With the exception of apartment number 6, which, as currently configured has no outlook, and the use of any of the attic space, which is not appropriate for residential use, I consider that short term residential use of the remainder of the proposed development would be acceptable.

## **7.12. Legal / Ownership Issues**

- 7.12.1. Ownership of part of the land the subject of the application is disputed and it is stated that different site boundaries have been shown in different planning applications.
- 7.12.2. The Board cannot adjudicate on ownership. While it would be of concern to the Board and a matter to be addressed, if an owner, or a possible owner was unaware of the making of a planning application, that is not the case.
- 7.12.3. Section 34 (13) states 'a person shall not be entitled solely by reason of a permission under this section to carry out any development.'

## **7.13. Other**

- 7.13.1. Shortcomings in the drawings presented with the application can be addressed by condition:

The drawings are inaccurate and incomplete, including with regard to stairwells which are represented differently on the various floor plans.

The lack of drawings of the existing buildings such as to allow the identification of proposed alterations; the lack of drawings of cross sections or longitudinal sections;

and the absence of any drawings of the existing roof profiles / proposed roof profiles of the several buildings is unacceptable.

7.13.2. A full set of drawings of the existing and proposed development, incorporating the changes required by condition 2, should be submitted for prior agreement, to the planning authority.

#### 7.14. Parking

7.14.1. It is of concern to appellants that no parking is being provided. On-street parking is available. As pointed out by the applicant, in response to a request for further information, the parking demand of the proposed development, would be less than that of the public house which has previously occupied part of the site.

7.14.2. Parking should not be a reason to refuse or modify the proposed development.

### 8.0 Recommendation

8.1.1. I am satisfied that the proposed use as a remote working hub area is acceptable and that such development would be adequately provided with all necessary services including on-street parking. I am satisfied that elements of the proposed self-catering apartments would be acceptable for short term use only.

8.1.2. In accordance with the foregoing I recommend that the proposed development be granted, for the following reasons and considerations and subject to the following conditions.

### 9.0 Reasons and Considerations

The proposed development of a remote working hub area, and self catering apartments for short term use only, utilising a partly disused building at the centre of the settlement of Drumlish, which is provided with water and wastewater services and stormwater drainage, would not give rise to traffic hazard or congestion or detract from the amenities of the area, would be acceptable under the zoning and would improve the visual amenities of the area. The proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of August 2022, and the further plans and particulars submitted on the 14<sup>th</sup> day of September 2022 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development the developer shall submit for the written agreement of the planning authority, revised plans which include the following:</p> <ul style="list-style-type: none"><li>a) accurate drawings of the existing and proposed development.</li><li>b) the omission of any additional windows, other than those already in place, in the boundary wall (ie rear elevation).</li><li>c) any room not provided with a window shall not be a habitable room.</li><li>d) the omission of any development of the attic spaces. The attic shall not be developed for accommodation.</li></ul> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>The residential accommodation shall be used for short term letting only. No letting period shall exceed one month's duration.</p> <p><b>Reason:</b> To clarify the form of residential use permitted, and because the proposed development would not be suitable for long term residential use.</p>

4.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of clarity and orderly development.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>External wall finish of all walls shall match the existing render walls. Roof finish shall harmonise with the existing.</p> <p><b>Reason:</b> In the interest of clarity and visual amenity.</p>
7.	<p>Details of refuse storage facilities shall be submitted for the written agreement of the planning authority, prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of clarity and public health.</p>
8.	<p>Any signage to be erected on the premises shall be subject to the prior written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of clarity and visual amenity.</p>
9.	<p>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 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</p>



	<p>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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, 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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Planning Inspector

7<sup>th</sup> September 2023

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027, extracts