



An  
Bord  
Pleanála

## Inspector's Report ABP-317148-23

### Development

Retention of the modifications to the existing pub including change of use of part of the existing Bellewstown Inn into 5no. apartments, change of use of a detached rear storage building into a single apartment, modification to smoking area enclosure and all associated site works.

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### Location

Bellewstown Inn, Collierstown,  
Bellewstown, Co. Meath

### Planning Authority

Meath County Council

### Planning Authority Reg. Ref.

23217

### Applicant(s)

Philomena Whearty

### Type of Application

Retention

### Planning Authority Decision

Refused

### Type of Appeal

First

### Appellant(s)

Philomena Whearty

**Observer(s)**

None

**Date of Site Inspection**

24<sup>th</sup> November 2023

**Inspector**

Louise Medland

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## **1.0 Site Location and Description**

- 1.1. The site is located at the Bellewstown Inn, Collierstown, Bellewstown, Co Meath, a rural node. Currently on the site is an existing pub the Bellewstown Inn and 5 no. apartments. To the rear of the building is an existing smoking area and a car park with vehicular access for patrons from the L-1615 road.
- 1.2. To the south is a standalone building formerly used as a store which has been converted to a dwelling and forms part of the appeal proposal. To the east of this building is a shipping container and a wall approximately 2.2m in height enclosing a side yard area.
- 1.3. Access to the bar is from the northern, western and southern elevations. The northern elevation entrance is shared by apartment no.2 at lower ground floor level.
- 1.4. To the north of the site is Bellewstown Racecourse, to the north west Bellewstown GAA pitch and to the west St Therese Church and Bellewstown National School.

## **2.0 Proposed Development**

The proposal is for the retention of the modifications to the existing pub including change of use of part of the existing Bellewstown Inn into 5no. apartments, change of use of a detached rear storage building into a single apartment, modification to smoking area enclosure and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. On 24th April 2023 Meath County Council issued a notification of a decision to refuse permission for the retention of the development for the below reason.
  - Having regard to the design and layout of the retention development, which is for the change of use of part of an existing public house to apartments and change of use to storage shed to a house, the Planning Authority considers that the retention development would give rise to substandard residential

amenities for current and future occupants having regard to the failure of the particulars submitted with the application to provide adequate,

- i. Total floor area
- ii. Natural light and ventilation
- iii. Storage space
- iv. Qualitative private amenity spaces
- v. Dual aspect
- vi. Car parking
- vii. Floor to ceiling heights
- viii. Hard and soft landscaping
- ix. Boundary treatment/screening

The Planning Authority considers that the proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area and would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities Ministerial Guidance issued to Planning Authorities under section 28 of the Planning and Development Acts 2000 (as amended); the standards set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities, 2007 and the Development Management Guidelines and Standards of the Meath County Development 2021-2027.

- Insufficient information has been submitted regarding the suitability of the site in terms of treatment of effluent to accommodate the retention development to enable the Planning Authority to make an informed decision on the planning application. In the absence of this information in order to properly assess the impact on the local environment, to permit the said development could be

prejudicial to public health due to risk of pollution and would not be in accordance with the proper planning and sustainable development of the area.

### **3.2 External Reports**

Irish Water – No Objection

### **3.3 Internal Reports**

Water Services – No objection

Environment Department – Further information required – indicated verbally

Transportation Department

- No details of the parking use for the public house or the apartments were provided.
- No cycle parking proposed for the apartments
- Entrance to car park not wide enough for two-way traffic.
- Further information required summarised:
  - Revised site layout parking in accordance with table 11.2 of the Meath County Development Plan 2021-2027 and the ‘Sustainable Urban Housing: Design Standards for New Apartments’
  - Accessible parking spaces at minimum rate of 5% - minimum provision of 1
  - New footpath along western boundary of site along L-1615 road.
  - Provision of cycle parking in accordance with table 11. of the Meath County Development Plan 2021-2027 and the ‘Sustainable Urban Housing: Design Standards for New Apartments’

Lighting Engineer – No comments

MD Engineer – No response

### **3.4 Third Party Observations**

Cllr Stephen McKee of Fianna Fail, made a representation received on 15<sup>th</sup> March 2023 in support of the proposal stating the proposal would provide much needed accommodation in the area.

### **Planning Authority Reports**

#### **3.1.2. Planning Reports**

The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the site and subject proposal, it sets out the planning history of the site and surrounds, summaries the observation on the planning file and sets out the policy that is relevant to the development proposal.

#### **3.1.3. Other Technical Reports**

None

## **4.0 Planning History**

- 22280 – The modifications to the existing pub including change of use of part of the existing Bellewstown Inn into 5no. apartments, change of use of a detached rear storage building into a single apartment, modification to smoking area enclosure and all associated site works – Refused 28/04/2022
- SA130108 - Retention of modifications to previously approved two storey rear extension (ref. ref. sa/50484) comprising the following internal modifications: internal staircase, dry store, cold store and freezer adjacent to kitchen on ground floor, staff toilet and store room adjacent to function room on first floor; external modifications comprising: increasing overall footprint of the two storey extension from 7.6m x 6.3 to 8.7m x 8.9m, omission of ground floor windows on east elevation, additional fire escape door and widening of 1st floor window on south elevation and minor modifications to ground and 1st floor windows on west elevation – Granted Conditionally 28/06/2013

## **5.0 Policy and Context**

### **5.1. Development Plan**

### **5.2. Meath County Development Plan 2021 - 2027**

- Chapter 3 Settlement and Housing Strategy
- Chapter 6 Infrastructure Strategy
- Chapter 9 Rural Development Strategy
- Chapter 11 Development Management Standards and Land Use Zoning Objectives

### **5.3. National Policy/Guidance**

- Project Ireland 2040 – National Planning Policy
- Development Management: Guidelines for Planning Authorities (DoEHLG 2007)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities

### **5.4. Natural Heritage Designations**

5.5. There are no designated natural heritage sites in the vicinity. However, I note the nearest proposed Natural Heritage Area – Cromwell's Bush Fen is located approximately 2.31km south of the appeal site. To the north east of the appeal site approximately is another proposed Natural Heritage Area – Laytown Dunes/Nanny Estuary. To the north east approximately 6.34km is a Special Protection Area – River Nanny Estuary and Shore SPA, to the east approximately 8.26km Special Protection Area – North-West Irish Sea SPA and to the north west approximately 8.68km is a Special Protection Area – River Boyne and River Blackwater.



## **5.6. EIA Screening**

5.7. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

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

A first party appeal was lodged on behalf of the applicant on the 18<sup>th</sup> May 2023.

- Apartments are seasonal with varying durations of lets.
- Appellant considers proposal to meet the policy requirements and provide quality accommodation.
- Sufficient car parking is available on site without alteration or designated spaces.
- Boundary treatments and hard and soft landscaping is sufficient without additional.
- Failure of planning department to consider proposal as short to medium term lets and not as permanent accommodation.
- Creation of apartments was in response to direct need for this type of accommodation in the area.
- Belief that it is exempted development.

### **6.2. Planning Authority Response**

Meath County Council responded on the 14<sup>th</sup> June 2023 stating the refusal reasons. The authority noted the type of appeal and reiterated that the matters raised were previously addressed in the Executive Planners report and wishes to rely on the

content of this report in response to the first party appeal and requested that the planning history for refusal of application 22/280 also be noted for similar reasons.

### **6.3. Observations**

- None

### **6.4. Further Responses**

A public representation from Cllr Stephen McKee for Fianna Fail – East Meath was received by An Bord Pleanála on the 10th July 2023, in support of the proposal of a part change of use of the pub to apartments, stating the proposal would provide much needed accommodation in the area.

## **7.0 Assessment**

### **7.1. Principle of the Development**

7.2. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the development seeking to be retained.
- Failure to demonstrate sufficient:
  - i. Total floor area
  - ii. Natural light and ventilation
  - iii. Storage space
  - iv. Qualitative private amenity spaces
  - v. Dual aspect
  - vi. Car parking
  - vii. Floor to ceiling heights
  - viii. Hard and soft landscaping
  - ix. Boundary treatment/screening

- Insufficient information to demonstrate the suitability of the site in terms of treatment of effluent.

7.3. I note that, the site plan does not reflect what is on the ground. It is apparent that the interim additional works have been carried out and these did not form part of the original proposal nor the appeal. Nevertheless, I will confine myself to the proposal before me as part of this appeal.

7.4. Smoking Area

7.5. I do not consider the smoking area to form part of the concerns of this appeal, however as it is included within the application description and plans it is part of the appeal proposal. In terms of this element of the proposal I have no concerns to raise.

7.6. The appellant believes the proposal is exempted development. Having considered this, I am not persuaded that the proposal satisfies the requirements for exempted development and fails to meet Statutory Instrument No.30 of 2018 Article 10.

7.7. For the purpose of this report unit 6, the store conversion is considered to be a standalone dwelling due to its separation from the main building.

7.8. The appellant argues that the five apartments and converted storage building (six units in total) serve as seasonal short to medium term lets managed by the Bellewstown Inn rather than a permanent residence. Whilst this is claimed no evidence of this type of use was submitted, to support this claim. An online search for accommodation at Bellewstown Inn, did not bring up evidence of this use either.

7.9. I note the planning fee submitted to the local authority was based on a Schedule 9 Section 2 Class 1 Column 3 – 195e for the retention of the provision of a house. The applicant has submitted a residential fee category and not a commercial fee which would be expected for short to medium terms lets.

7.10. Considering the issues discussed at 7.3 and 7.4 above, it must therefore, be assumed that the apartments are for use by permanent residents and assessed as such.

7.11. Dwelling – unit 6

7.12. The unit is considered to be a stand alone dwelling, and therefore a case of local need is required to be demonstrated by the applicant. No supporting case or

information accompanied the application or the appeal submission. Therefore, the need has not been demonstrated and the principle of a dwelling is considered to be unacceptable.

7.13. Private amenity space, boundary treatments and hard and soft landscaping

7.14. The appellant claims that apartment 1 will benefit from private amenity space from an enclosed courtyard between the apartment the pub to the west and apartment 2 to the north. However, this cannot be considered to be private amenity space given the full height window from apartment 2 which will outlook on to the courtyard. This raises a further issue, in terms of inter over-looking between the occupants of apartment 1 using the courtyard and the occupants of apartment 2. I do not consider this area to be deemed as suitable private amenity space.

7.15. The allocated private amenity space for apartments 2, 3 and 4 are located within the lower yard on the northern side of the building. These areas sit below road level and are north facing, therefore will not benefit from natural light which will in turn impact on the useability of these areas as private amenity space.

7.16. It is proposed that apartment 5 will have a balcony of 2.25m sq installed above the private amenity space of apartment 1. The appellants argues that the balcony is of sufficient space for the proposed use. As per 7.xx the proposed use is determined to be residential apartments and therefore the proposed size of the private amenity space falls short of the proposed private amenity space requirement.

7.17. The dwelling (unit 6), the appellant has stated that as this is for a family member no private amenity space is proposed and neither is it required. However, regardless of the current occupants, private amenity space is required for residential units to ensure future occupants in the event of sale, benefit from sufficient private amenity space. Therefore, the requirement for open space for unit 6 is no less than the policy requirement.

7.18. No alterations to boundary treatments are proposed to the areas which the appellants statement refers to as being for private amenity space nor is any hard or soft landscaping proposed. As discussed above the use of some of the areas cannot be considered to be private amenity or of an appropriate standard to be of benefit to the apartments residents.

7.19. Dual aspect, natural light and ventilation

- 7.20. Apartment 1, whilst it can be described as dual aspect, one window on the southern elevation out looks on to screened. apartment 1 benefits from a window in the southern elevation, however this looks directly on to what is noted on the site plan as being for bicycle parking and screened bin storage. The proximity of the bin store to the only window which could potentially benefit from natural sunlight and ventilation is screened by an existing concrete block wall approximately 2m in height. The use as a bin store raises potential odour and vermin issues, with the surrounding wall blocking the majority of natural light and also meaning that apartment 1 has no outlook to the public realm whatsoever.
- 7.21. The two windows on the western elevation outlook on to an area enclosed on three sides. Considering this, the orientation of the building and the sun path and the lack of outlook to the public realm, I consider that apartment 1 cannot be considered to benefit from dual aspect and would not benefit from the natural light and ventilation expected.
- 7.22. The appellants statement refers to 83% of the apartments benefitting from dual aspect, with the exception being (as determined) from the plans apartment 4. However, the dual aspect from which apartment 2 benefits from, also raises issues as outlined at 7.XX above in relation to private amenity space and overlooking of the courtyard for private amenity space for apartment 1. Apartment 2 is north facing and sits at a lower level to the road, therefore it is considered that apartment 2 would not benefit from sufficient natural light and would not provide a quality residential environment.
- 7.23. Apartment 3 benefits from 1 north facing window and 1 small south facing window. However, the south facing window looks out over the rear single storey element of the pub. There is a potential issue in terms of noise and odour from the smoking area below.
- 7.24. Apartment 4 is solely north facing with only 1 window. Considering this and the sun path from east to west, apartment 4 would not benefit from sufficient natural light and cannot be considered to provide a quality residential environment.
- 7.25. Space standards
- 7.26. Apartment 3 fails to meet the space standard requirement of 45m sq, as set out in SPPR 3 of Sustainable Urban Housing: Design Standards for New Apartments.

Whilst it is 2m sq. short of the required standard, it nevertheless falls short of the policy requirement.

7.27. In terms of the provision of storage space for the apartments and the dwelling, all units fail to meet the minimum storage space requirements as set out in Appendix 1 of Sustainable Urban Housing: Design Standards for New Apartments.

7.28. SPPR 5 requires a minimum of 2.7m, with greater required for future commercial developments. The original use was as a commercial part of the existing pub, therefore to require a greater ceiling height in an existing building, particularly one which the primary use has been commercial would be unreasonable. Therefore, I do not consider the ceiling heights to be of concern in this case.

7.29. Car parking

7.30. The transportation engineer commented that further information was required. The appellant argues that the existing car park can be shared as it was designed to facilitate attendees of events in the function room and is in excess of requirements. However, no relevant plan has been provided to demonstrate this. The Transportation Engineers concerns and requests have not been addressed and the provision of an accessible space has not been met. Therefore, I find the proposal unacceptable.

7.31. Suitability for effluent

7.32. The application nor the appeal submission do not provide evidence to demonstrate that the existing infrastructure is suitable to deal with alternative demand from the 6 residential units. The appellants statement refers to the fact that it accommodated patrons for the pub and functions rooms, however the intensity is different to 6 residential apartments who may accommodate 2 persons. The lack of information to enable informed decision to be made remains a concern.

7.33. **Appropriate Assessment Screening**

7.34. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any

European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

## **8.0 Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the retention of the development for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

- I do not consider the proposal to provide a quality residential environment for residents, by way of poor outlook, insufficient natural light, ventilation, unable to meet minimum requirement space standards and lack of useable private amenity space. The layout gives rise to potential conflict of land uses and further detrimental impact to the residential amenity of occupants.
- The concerns raised by the Transportation Engineer remain. I agree these are valid concerns.
- The lack of information to enable an informed decision to be made on the suitability of the current infrastructure for effluent from the proposal.

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 judgment in an improper or inappropriate way.

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Louise Medland  
Planning Inspector

15<sup>th</sup> April 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	317148-23		
<b>Proposed Development Summary</b>	Retention of the modifications to the existing pub including change of use of part of the existing Bellewstown Inn into 5no. apartments, change of use of a detached rear storage building into a single apartment, modification to smoking area enclosure and all associated site works.		
<b>Development Address</b>	Bellewstown Inn, Collierstown, Bellewstown, Co. Meath		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3



<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	Preliminary Examination required
<b>Yes</b>		Screening Determination required

Inspector: \_\_\_\_\_ Date: 15<sup>th</sup> April 2024