



An  
Bord  
Pleanála

## Inspector's Report ABP-319164-24

Development	Change of use from existing vacant restaurant and retail units to 3 residential apartments and all associated site works.
Location	Bridge Street (Abbeycartron Townland), Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2360218
Applicant(s)	Double Visas Investment Ltd
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Double Visas Investment Ltd
Observer(s)	
Date of Site Inspection	22 <sup>nd</sup> August 2024
Inspector	Bébhinn O'Shea

## **1.0 Site Location and Description**

- 1.1. The site is located on Bridge Street in Longford Town. The site contains a terraced structure, which expresses as 3 storey with pitched roof to street and 5 storey with flat roof to rear. The rear of the building has projecting returns, incorporating balconies, Juliette balconies and terraces for residential units within. There is a small area of open space associated with the development, at lower ground level to rear. This is partly undercroft and contains a children's play structure within the uncovered area.
- 1.2. The site is fenced to the rear and not accessible from the rear, although it is visible from a vacant adjoining site/car park to the rear, accessed via a laneway from Church Street, where there are several protected structures on the southern side within Battery Road ACA.
- 1.3. A right of way is indicated on drawings as lower ground floor level, connecting the site to property to the south, and potentially leading to the riverside. However there is a rendered wall present at this location.
- 1.4. At the time of site inspection, a portacabin was under construction, recessed within the gap to the north side of the building.

## **2.0 Proposed Development**

- 2.1. The proposed development is for change of use from existing vacant restaurant and retail units to 3 residential apartments and all associated site works. Each unit would be accessed from Bridge Street, with living space and 1 bedroom at entry level, and further bedrooms and outdoor space at lower ground level, accessing onto proposed individual amenity spaces located at Lower Ground Floor level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority refused permission as follows:

1. The proposed development is contradictory to DMS 16.57 of the Longford County Development Plan 2021, which discourages apartments at ground floor level,
2. Ground floor level apartments are considered to be contrary to the principle of the zoning of Longford Town Core
3. The loss of these commercial units to residential would be contradictory to the aims of the Retail Strategy

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

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

The Planning Authority noted the site history, design, water and wastewater connections. The principle of the proposed development was assessed against the provisions of the Longford County Development Plan and permission was refused as above.

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

- Housing: Comments provided in relation to quality, function, access, Building Regs etc.

### **3.3. Prescribed Bodies**

No reports

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

None

## **4.0 Planning History**

- **04/700086** Planning permission granted for demolition of existing derelict buildings and construction of restaurant and 3 retail units at ground and basement level, and 17 apartments
- **19/254** Planning permission granted for retention of as built modifications to existing mixed use development permitted under Planning Ref: PL04/700086.

Revised building footprint, extensions and revised footprints to various apartments and restaurant, amalgamation of shop units, construction of office and store, external modifications

## **5.0 Policy Context**

### **5.1. National Policy:**

The National Planning Framework - Project Ireland 2040 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

### **5.2. Regional Policy**

The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 provides a framework for development at regional level promoting the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

### **5.3. Section 28 Ministerial Guidelines**

The following ministerial guidelines are considered relevant to the appeal site:

#### **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)**

The Guidelines also set out standards for design and layout of units and amenity spaces. SPPR 3 sets out minimum floor areas. SPPR 5 sets out floor to ceiling heights. Section 3 sets out considerations in relation to storage, security, amenity space.

### **5.4. Development Plan**

5.4.1. The Longford County Development Plan 2021-2027 (LCDP) is the relevant plan.

The site is zoned Town Core:

*“To provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses.*

*The purpose of this zoning is to protect and enhance the special character of the town centre and to provide for and improve retailing, residential, commercial, cultural and other uses appropriate to the centre of Longford. This zoning provides for the consolidated development and growth of the town centre, allowing for a broad range of compatible and complementary uses which will be encouraged to locate in this area. Development will be expected to contribute to a dynamic, vibrant and pedestrian focused town core with a strong urban design approach. The Council will encourage the appropriate re-use, adaptation and regeneration of buildings, backlands, derelict and obsolete lands including residential development above retail and commercial premises in the town centre.*

*Development carried out under this zoning should have regard to the mix of uses of the zoning, and, in particular, shall have regard to the retail policy for the County. Developers should be cognisant of the high profile locations of this zoning and design, wherein siting and materials should be chosen accordingly. All development in this regard will be subject to sequential test. It is envisioned that much of the proposed retail/commercial development in the town would take place in the existing commercial core, revitalising the centre of Longford and include provision for car parking.”*

Single/Multiple Residential units are “Permitted in Principle”

5.4.2. Chapter 8 relates to Economic Development including Retail Policy

*CPO 8.55 Ensure that all retail development permitted accords with the relevant requirements and criteria as established within the Retail Planning Guidelines for Planning Authorities 2012 and the Longford County Retail Strategy 2021-2027.*

*CPO 8.6 is noted: Promote the reuse of vacant retail floorspace. Where no viable retail use can be sustained, alternative uses will be assessed on their own merits against the requirements of the proper planning and sustainable development of the areas within which they are located.*

5.4.3. DMS 16.57 :

*The Council in assessing development proposals will consider the following criteria:*

*a) Large-scale apartment complexes shall be discouraged and shall only be considered in exceptional circumstances, to include:*

*i) Residential accommodation above commercial properties - 'over the shop'*

*ii) Contributing to the improved continuity of existing streetscapes*

*iii) Opening up of town centre backland sites.*

*b) Small-scale apartment developments shall be assessed on a case-by case basis.*

5.4.4. Upper Floor Residential Use: The Council in assessing development proposals will consider the following criteria:

*DMS 16.72 Encourage residential uses in existing under-utilised or vacant building stock as a mechanism to combat vacancy in town centres*

5.4.5. Volume 3 Annex 9 contains the County Retail Strategy. For the purposes of the County Retail Strategy, the site is within and Town Commercial Core, shown on Figure 1. The Strategy sets out in Section 1.6 and in Volume 2 Appendix 4 Retail Strategy Map that Longford Town's Core Retail Area is to be the focus and preferred location for retail development during the plan period.

The Strategy includes an Action Plan for Longford Town including an identified need to “ *Develop a coherent functionality between the Longford Town Shopping Centre, the southern part of Bridge Street, the northern section of Main Street and the remainder of the town centre including Main Street, Ballymahon Street, Dublin Street and New Street to provide an easily identifiable commercial core.*”

## **5.5. Local Area Plan**

5.5.1. The Longford Town and Environs Local Area Plan 2016-2022 is now expired. The Draft Longford Town Local Area Plan 2025-2031 has been published. The zoning is that of the LCDP, which is incorporated into the LAP, along with any future variations to same. The development site is not within any strategic sites identified in the draft LAP. This LAP is at Material Alterations Stage, with written submissions /observations invited until 5th March 2025. There are no proposed Material Alterations directly affecting the development site.

## **5.6. Natural Heritage Designation**

Royal Canal pNHA 700m south

Carrickglass Demesne pNHA 3.66 km east

Brown Bog SAC/pNHA 3km west

## **5.7. EIA Screening**

See Appendix 1.

The proposed development, in terms of the change of use element, does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings.

The proposed development, in terms of the construction of new windows/doors to front elevation and terraces to rear, does come within the definition of a 'project' for the purposes of EIA, however this is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

## **6.0 The Appeal**

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

- 6.1.1. The provision of housing units on a site unsuitable for retail commercial use should be considered amidst the national housing crisis. A pragmatic approach needs to be taken to allow for provision of residential units in spaces that may not be primarily intended for housing, one residential amenities are safeguarded and development standards are met. Conversion of a vacant commercial unit to residential has a sound planning basis and is supported by overall national policy, exemptions etc.
- 6.1.2. The proposal is not contrary to Section DMS 16.57 of the CDP; as this is not a large scale development, it should be assessed under 16.57 (b) which states that small scale development shall be addressed on a case by case basis.

DMS16.57 (a) states that living over the shop should be considered in large scale apartment developments. This does not mean that it should be discouraged at ground floor level.

Residential uses are permitted within the Town Core zoning objective. The development will not jeopardise the retail function of the town.

- 6.1.3. The CDP states that the reuse and regeneration and adaption of buildings in the town centre will be encouraged.

The development accords with various Housing Strategy policies and CDO 6.69, CPO 7.18 and DMS 16.72 all of which relate to regeneration of underused buildings, creation of sustainable places, encouragement of residential uses in underutilised building stock to combat vacancy in town centres.

The units have been vacant since construction and there is no economic demand for same. The development will return life to the dead streetscape. It will not jeopardise the retail function of the town but improve the viability and vitality of the immediate area.

The permitting of units at ground floor level would not materially contravene any policy of the LCDP.

The units will provide a high standard of residential amenity.

- 6.1.4. The site is within the town core, but not within the defined area which the Councils retail action plan, based on a retail health check, seeks to development “core functionality” and “identifiable commercial core”. These key actions of the Retail Action Plan do not extend to the appeal site and therefore cannot be used as a reason for refusal. The site is in a transitional zone of the town core.

There is precedent for conversion of street level retail units to provide for residential accommodation, by Longford County Council, other County Councils and An Bord Pleanala.

## 6.2. Planning Authority Response

None



### 6.3. Observations

None

### 6.4. Further Responses

None

## 7.0 Assessment

I consider the main issues in determining this appeal are as follows:

- Principle of change of use to residential
- Compliance with Longford Retail Strategy
- Quality of residential accommodation proposed

### 7.1. Principle of change of use to residential

- 7.1.1. Residential use is “permitted in principle” under the Town Centre zoning. The LCDP states ‘Permitted in Principle’ means that the proposed use is generally acceptable subject to the normal planning process and compliance with the relevant policies, objectives, standards and requirements as set out in the County Development Plan, in accordance with the proper planning and sustainable development of the area. If a proposal is indicated to be ‘Permitted in Principle’ in the zoning matrix, this does not imply that planning permission will automatically be granted as other factors must be considered and each proposal for development will be considered on its individual merits.

The Town Centre zoning for the site states “Development carried out under this zoning should have regard to the mix of uses of the zoning, and, in particular, shall have regard to the retail policy for the County”. While it is not explicitly stated, I consider that this means that a mix of uses should be provided on sites with this zoning, and that such zoned sites within the Town Commercial Core are preferred for retail use, therefore retail use should be incorporated.

The proposed development of further residential units will result in the absence of any mix of uses on the site proper (i.e. the 4/5 storey building fronting Bridge Street), and therefore has not had regard to the mix of uses sought under the zoning

objective. In this sense I concur with the view of the Planning Authority, that the proposal would be contrary to the principle of the zoning. This is largely set out in Reason 2 for refusal.

The Planning Authority has taken the view in Reason1 for Refusal that the proposed development is contradictory to DMS 16.57 of the Longford County Development Plan 2021, which discourages apartments at ground floor level. There is no specific policy in the LDGP in relation to apartments at ground floor level. DMS 16.57 of the CDP states

The Council in assessing development proposals will consider the following criteria:

*a) Large-scale apartment complexes shall be discouraged and shall only be considered in exceptional circumstances, to include:*

*i) Residential accommodation above commercial properties - 'over the shop'*

*ii) Contributing to the improved continuity of existing streetscapes*

*iii) Opening up of town centre backland sites.*

*b) Small-scale apartment developments shall be assessed on a case-by case basis.*

However, the LCDP does not define "large scale apartment complexes" and in the absence of more specific criteria I cannot conclude that the proposed development is contrary to DMS 16.57.

7.1.2. The appeal makes the case that the units are long-term vacant, that conversion of a vacant commercial unit to residential has a sound planning basis and is supported by overall national policy, exemptions etc. and by policies in the CDP in relation to regeneration of underused/vacant buildings. While this may be the case, I consider that the proposed use for a vacant building must still be appropriate having regard to the zoning objective of the site, which it is not in this case, having regard to the objective for mixed uses. I also note that policy DMS 16.72 quoted by the appellant relates to Upper Floor Residential Use

7.1.3. In relation to vacancy and the case for a change of use in the interest of the vibrancy of the town centre, I note that while the appeal says much in relation to housing need it provides no detail in relation to efforts made to bring the units into use as permitted, e.g. no evidence of evidence of attempts to let the units as retail/restaurant units has been provided. Neither is it stated whether uses other than

residential have been considered. While there is a degree of vacancy within the town centre, to permit change of use from retail to residential, without demonstrating an effort has been made to secure the objectives of the site, is likely to set a precedent for further similar development, which would significantly undermine the Retail Strategy for the town, and detract from the mix of uses within the Commercial Core.

## **7.2. Longford County Retail Strategy.**

- 7.2.1. The County Retail Strategy defines a Core Retail Area/Commercial Core, within the Town Centre, and an area called Town Edge of Centre, as per Figure 1 of the Retail Strategy. It states that the Commercial Core in Longford town is the preferred location of retail activity during the plan period. This includes the subject site. The existence of retail units at ground floor supports the implementation of the Retail Strategy at this location.

The appeal submission refers to the fact that the site is disjointed from the main part of the core commercial/retail area, being across the river. The appeal also refers to an action of the health check for Longford town, which forms part of the retail strategy:

*Develop a coherent functionality between the Longford Town Shopping Centre, the southern part of Bridge Street, the northern section of Main Street and the remainder of the town centre including Main Street, Ballymahon Street, Dublin Street and New Street to provide an easily identifiable commercial core.*

The appeal states that the site is not within this area, which further supports the case for change of use to residential.

- 7.2.2. I note that the LCDP adopted in 2021 re-affirmed the boundary of the Core Commercial Area within the Retail Strategy. It includes the subject site, despite being north of the river. Together with the cinema it defines the northern end of the commercial core, and the inclusion of the site may be intended to secure active uses/streets opposite the cinema frontage or a synergy of uses with the cinema. In the absence of justification for a change of use, I consider it appropriate that a mix of uses, and preferably retail use, be provided on the site.
- 7.2.3. I consider that the above action of the health check is targeting a stronger relationship between the purpose built Longford Shopping Centre and the street

network within the town centre, to better link and consolidate the retail function within the core area and spread activity to the streets. This action does not outweigh or override the mapped commercial core/core retail area, within which the site is located. The site forms part of the commercial core/core retail area, and retention of retail use is therefore a pertinent planning consideration.

- 7.2.4. There are a number of policy objectives in the Strategy which allow for consideration of non-retail uses for vacant retail floorspace e.g. (POR 8 and 9). In this regard non retail uses such as office, retail office, health use could be considered, which would address vacancy and provide a mix of uses.

### **7.3. Quality of residential accommodation proposed (New Issue)**

The appeal states that the units will provide a high standard of residential amenity. I disagree with this statement for the reasons set out below.

#### **7.3.1. Standards:**

The proposed apartments meet minimum requirements in terms of gross floor area, room floor areas and widths. Storage, while meeting required standards, meets the required provision in part by bedroom storage (however it is likely this could be resolved through revision of internal layouts).

Amenity areas are provided off of bedrooms, rather than living areas.

Floor to ceiling height at lower ground floor is 2.4m (2.7m is sought for apartments) and while there is discretion to relax this in building refurbishment cases subject to overall design quality, there is no overall merit in the design of the proposed units to justify this, as set out below.

- 7.3.2. Aspect & Light: The apartments are dual aspect in that the ground floor faces west (only) and the lower ground floor faces east (only). However, the lower ground floor bedrooms and amenity areas will receive minimal if any direct sunlight and limited natural light - the lower ground floor addresses an external area which is undercroft; the ground floor and upper floor are constructed in a series of stepped forms which create an overhang of depth of c. 4m, 6m and 8m in depth from the building line of the lower ground floor.

In addition, the windows of proposed bedrooms in apartment 1 and 3 look out onto a blank wall. While drawings indicate a distance of just under 3m between the windows

and the wall of the units to the east, I do not consider this distance on drawings accurate; based on my observations on site, the area appears significantly narrower. The windows of proposed apartments 1 and 3 lack any quality aspect. The windows of apartment 2 look out onto an undercroft area with a children's play frame which blocks the wider sky view.

- 7.3.3. Privacy/Security: The proposed units are accessed from a narrow footpath on Bridge Street; there is no privacy strip or separation distance from windows of kitchen/living/dining areas. Private amenity areas are located directly adjacent a communal 'courtyard' with play area. The units therefore lack a sense of privacy/security.

It is proposed to construct 1.2 m high balustrading railing to enclose private amenity areas which incorporates areas immediately in front of windows. While this will provide privacy in terms of use, these areas will not be private in nature in terms of overlooking from adjacent areas. The construction of railings of any increased height to preclude overlooking will further reduce light and aspect to proposed apartments.

- 7.3.4. Public/communal open space: There is no public or communal open space associated with the proposed development however it is assumed that the apartments will have access to the courtyard and children's play area outside the red site boundary, within the landholding. While the play area is a positive amenity, this is a hard surfaced area, with no planting or landscaping, fully visible from adjacent properties, and not in accordance with details of history permissions on the site (in terms of boundary treatment, landscaping, refuse storage or access to the riverside via the right of way through the property adjoining to north).

- 7.3.5. Car and cycle parking: No car parking is proposed. I consider this acceptable in a town centre location. I also note that the matter of parking was addressed on history application 04/700086; the ground floor area facing Bridge St was excluded from parking calculations as it was retained floor area. It was also considered appropriate to omit the lower ground floor area in terms of parking requirement as it related to the use above.

No cycle parking is proposed, either within units or in communal spaces to the rear. The standard for cycle parking for apartments is 1 stand per bedroom and 1 visitor stand per 2 units (the proposed development would generate a requirement of 10). There is no external access to the rear of the site to facilitate same, therefore the use

of the rear of the site for cycle parking would require cycles to be brought through the apartments.

- 7.3.6. Refuse: No storage areas for refuse are indicated on plans or were evident upon site location. I note that history permission 19/254 shows a common bin store at the eastern site boundary, adjacent a proposed new 2m high block wall; this does not exist. The site is fenced to the rear and no access was evident.

	Apt 1	Apt 2	Apt 3
GFA	113 sqm	73 sqm	101 sqm
Bedrooms	3	2	3
No. persons	5	3	5
Bedrooms	2 person 14.8 sqm/4.2m 15.1sm m/3.67m	2 person 14.4 sqm/2.83m	2 person 12.7 sqm/3.37m 14sqm/3.51 m
	1 person 8.6 sqm/2.61m	1 person 8.2 sqm/2.24m	1 person 9.1sqm/2.75m
Kitchen Living Dining	36.5sqm/4.28 m	28 sqm/3.58m	34sqm/5.9m
FtoC height	3.15m K/L/D at GF level , 2.4m bedrooms at LGF level		
Storage	9.5 sm	6.3 sqm	9 sqm
Refuse store	None indicated		
Private OS	9sqm	7sqm	9sqm
Public OS	None indicated. Children's play area adjacent.		
Car Parking	0		
Cycle Pkg	0		

- 7.3.7. In summary, the proposed units are deficient with inadequate natural light/aspect to habitable rooms at lower ground floor and inadequate floor to ceiling height at the

same location. There is insufficient privacy/security to amenity areas. The proposal fails to deliver to deliver basic residential amenities include bicycle and bin storage.

I note that the Planning Authority report is silent on the matter of the standard of the proposed residential accommodation and as such this is a New Issue. However, having regard to the substantive reason for refusal, the Board may not wish to seek the views of the parties on this issue.

## **8.0 AA Screening**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 3km east of Brown Bog SAC

The proposed development comprises change of use from retail /restaurant to residential apartments and associated works.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows

- The nature of the development and small scale of works.
- The distance from the nearest European Site and lack of connections.
- The location of the site within a serviced urban area and with an existing connection to a wastewater network and
- Taking into account the screening report/determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Conclusion and Recommendation**

The proposed development fails to retain a retail use, or provide a mix of uses, within the Commercial Core of Longford Town Centre, in accordance with the zoning objective and Retail Strategy, and provides an inadequate standard of residential accommodation. Refusal is recommended.

## **10.0 Reasons and Considerations**

1. The proposed development is located in an area zoned Town Core where it is an objective to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses and where development carried out should have regard to the mix of uses of the zoning, and, in particular, to the retail policy for the county. The Retail Strategy for the County designates a Commercial/Retail Core in Longford Town, which is the preferred location for retail activity, and which includes the subject site.

Having regard to the loss of ground floor retail/commercial units proposed, and the failure to retain a mix of uses on the overall site, it is considered that the proposed development would be contrary to zoning objective of the site, would undermine retail function of the Town Core, and would be contrary to the Longford County Retail Strategy 2021-2027 and to policy objective CPO 8.5 of the Longford County Development Plan 2021-2027.

2. The proposed development represents a substandard form of residential accommodation, inadequate in terms of natural light to habitable rooms, private amenity space and storage (general, cycle, and refuse) and would be contrary to the Sustainable Urban Housing Design Standards for New Apartments Guidelines issued under S28 of the Planning and Development Act 2000 (as amended), and to the proper planning and sustainable development of the area.



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Bebhinn O'Shea  
Planning Inspector

7<sup>th</sup> March 2025

## Appendix 1 Form 1 EIA Pre-Screening

<b>ABP Case Reference</b>	319164-24		
<b>Proposed Development Summary</b>	Change of use from existing vacant restaurant and retail units to 3 residential apartments and all associated site works.		
<b>Development Address</b>	Bridge Street, Longford.		
<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>	Provision of windows, doors on front elevation and terraces to rear constitute works therefore a project.
		<b>No</b>	Change of use not a project – no further consideration of this aspect 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)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	X	Provision of windows, doors on front elevation and terraces to rear constitute works not a class of development	No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_