Inspector's Report

ABP-322782-25

Development	Redevelopment of part of the West View Hotel, Clooncarrabaun, Louisburgh, Co. Mayo as follows; Retain 1 No. self-contained 2-bedroom suite at ground floor level, Retain 1 No. self-contained 2-bedroom suite at first floor level, Retain 2-storey 2-bedroom dwelling unit. Previous Planning Reference Numbers P03/3426, P04/3435 & P06/330, P18/335 refer
Location	Chapel Street, Clooncarrabaun Louisburgh, Co. Mayo.
Planning Authority	Mayo Co. Co.
Planning Authority Reg. Ref.	2460742
Applicant(s)	Danny Walsh
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party

Appellant(s)	Danny Walsh
Inspector	Conor McGrath

1.0 Site Location and Description

1.1. The appeal relates to the retention of works at the West View Hotel, located on Chapel Street, in the centre of Louisburgh, Co. Mayo. The hotel comprises two-storey elements which extend from Chapel Street through to River Walk to the west. There is a fall in levels east-west toward the Bunowen River. River Walk provides rear access to a surface car park within the site.

2.0 Proposed Development

2.1. The proposed development is described in the application documentation as retention of the redevelopment / conversion of part of the existing hotel, including several hotel bedrooms, into the following:

- 1 No. self-contained 2-bedroom suite at ground floor level (70-sq.m.),
- 1 No. self-contained 2-bedroom suite at first floor level (112-sq.m.), &;
- 2-storey 2-bedroom dwelling unit (90-sq.m.).

The application identifies that the area subject to redevelopment / conversion comprised 6 no. hotel bedrooms and 51-sq.m. of ground floor bar area.

The units are to be retained in single ownership with the hotel and are not intended for permanent occupation. The application indicated that there was no additional parking requirement from the proposed changes.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, the planning authority sought further information in relation to the provision of private amenity space, relationship with adjoining structures and potential overlooking of adjoining dwelling to the east.

The planning authority subsequently decided to grant permission for the proposed development subject to 3 no. conditions.

3.1.1. Conditions

Condition no. 2: The following contributions shall be paid to Mayo County Council prior to commencement of the development. The development contributions may increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made to Mayo County Council.

• €18,000

Reason: To comply with Mayo County Council's Development Contribution Scheme 2023

Condition no. 3: All suites shall be let for short-term holiday use only, shall not be sold separately and shall remain part of the existing hotel.

Reason: To ensure a proper standard of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

While the 30m2 private open space requirement under Section 5.3.2 of the Sustainable Residential Development and Compact Settlements Guidelines 2024 has not been fully met, these guidelines allow a relaxation for building refurbishment schemes on sites of any size or urban infill schemes on smaller sites. The subject site is .135ha and therefore the relaxation is allowed. The applicant clarified that the first floor windows on the eastern elevation were granted permission under Planning Reference No. P03/3426, as part of the West View Hotel development. Mayo County Council has no objection with retaining the existing works.

Contributions of €3,000 per unit = €9,000.

Double the rate for retention - €18,000.

3.2.2. Other Technical Reports

- Road Design Office: No objection.

- Environment, Climate Change and Agriculture: the rear of the site is within the 0.1& and 1% ASPs. The buildings are in flood zone C and as it is retention no further flood risk assessment is required.

3.3. **Prescribed Bodies**

No submissions were made on the application.

3.4. **Third Party Observations**

One observation on the planning application raised concerns with regard to overlooking of the adjoining residential property to the southeast.

4.0 Planning History

Previous Planning Reference Numbers

P03/3426: Permission granted for redevelopment of existing hotel consisting of the following: (1) realignment of front elevation with public footpath; (2) construction of four additional bedrooms to the existing eleven; (3) demolition of existing storage shed at rear of hotel; (4) construction of extensions at rear and northwest elevation; (5) new access road and parking at rear together with ancillary site works. Condition no. 7 required the payment of a development contribution of €29,535 as follows:

7. The following contributions with respect to services shall be paid to Mayo Co. Co.

- €8,250 (50% of €16,500 (€1,500 x 11) for sewer connection)
- €5,500 (50% of €11,000 (€1,000 x 11) for water connection)
- €6,985 (50% of €13,970 (€1,270 x 11) contribution to Louisburgh sewerage scheme)
- €2,200 (€200 x 11) for footpaths)
- €3,300 (€300 x 11) for community open space and recreational facilities)
- €3,300 (€300 x 11) for amenities

Total €29,525

P04/3435: Permission granted for alterations to previous planning permission granted under p03/3426 including: 1. Demolition of existing adjoining building known as "The Kottage take away"; 2. Extend ground floor restaurant; 3. Construct 2 no additional upper floor bedrooms with ancillary site works. The two bedrooms were located on the northern part of the site within the former take-away.

Contributions were calculated on the basis of 50% occupancy. Conditions included:

7. The following contributions with respect to services shall be paid to Mayo Co. Co.

- €1,500 (50% of €3,000 (€1,500 x 2) for sewer connection)
- €1,000 (50% of €2,000 (€1,000 x 2) for water connection)
- €1,270 (50% of €2,540 (€1,270 x 2) contribution to Louisburgh sewerage scheme)
- €400 (€200 x 2) for footpaths)
- €600 (€300 x 2) for community open space and recreational facilities)
- €600 (€300 x 2) for amenities
- €4,000 (€2,000 x 2) for parking.

8. All previous conditions attached to P03/3426 shall continue to apply to this application.

P06/330: Permission granted to retain and complete alterations to existing hotel, including 1. Extend ground floor area of rear extension; 2. Extend upper floor area which will include 1 no. additional bedroom; 3. Alterations to rear elevation. Previous planning refs. P03/3426 and p04/3435. Conditions included:

No. 5: The following contributions shall be paid to Mayo County Council prior to commencement of the development. The development contributions shall increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made to Mayo County Council.

- €1,500 (50% of €3,000 (€1,500 x 2) for sewer connection)
- €1,000 (50% of €2,000 (€1,000 x 2) for water connection.)
- €1,270 (50% of €2,540 (€1,270 x 2) for contribution for Louisburgh sewerage scheme)
- €400 (€200 x 2) for footpaths)
- €600 (€300 x 2) for community open space and recreational facilities.)
- €600 (€300 x 2) for amenities)

- €4000 (€2,000x2) for parking

Reason: To comply with Mayo County Council's Development Contribution Scheme.

P17/26: Permission granted for retention and completion of dwelling house with connection to public services to the rear of the main hotel building, subject to 4 no. conditions (excluding any financial contribution).

P17/602: Permission granted for two dwelling houses for staff accommodation. This was regarded as the equivalent of one dwelling for the purposes of calculating development contributions.

P18/335: Permission granted for redevelopment of part of existing West View Hotel including convert existing dining room to 3 no. Self-contained suites (2 no. 2 bedroom and 1 no. 1 bedroom). P03/3426, p04/3435 & p6/330 refers.

The planners report noted that a 50% occupancy rate was assumed and that the development contribution for the 3 no. hotel suites is equivalent to that of 1.5 no. dwelling houses. Conditions included:

No. 6: The following contributions shall be paid to Mayo County Council prior to commencement of the development. The development contributions shall increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made to Mayo County Council:

- €894 for surface water
- €535.50 for amenities
- €357 for footpaths
- €2278.50 for roads
- €535.50 for Community Open Space and Recreation Facilities.

P23/60197: Permission refused to retain 1 No. self-contained 2-bedroom suite at first floor level and retain 2-storey 2-bedroom dwelling unit on the basis of the lack of residential amenity space.

5.0 **Policy Context**

5.1. **Mayo County Development Plan 2022-2028**

The plan includes a Settlement Plan for Louisburgh Town in Chapter 12.

The County Settlement Strategy (section 2.8.1) classifies Louisburgh town as a Tier 3 self-sustaining town. The site is located within the self sustaining consolidation zone where a mixed use zoning applies. The overall hotel site is located within the Town Centre and straddles the boundary between the defined Inner Core and Outer Core areas.

5.4.3.2 Key Pillar 2: Infrastructure, Services and Tourist Accommodation

The provision of sufficient, appropriate and high-quality infrastructure, services and accommodation to meet the needs of visitors is fundamental to Mayo reaching its potential for a thriving tourism sector.

Tourism Accommodation Policies and objectives

TRP 25 To promote the sustainable development of the tourism sector in appropriate locations throughout the county.

TRP 26 To encourage proposals to reinstate, conserve and/or replace existing ruinous or disused dwellings for holiday home purposes, subject to normal planning considerations including design, safe access and provision of any necessary wastewater disposal facilities.

TRO 16 To ensure that tourism related accommodation such as holiday homes, hotels, caravan/camping parks, glamping etc. are primarily located within existing settlements where there is existing infrastructure provision to service the development and where they can contribute to maintenance of essential rural services.

TRO 18 To facilitate the sustainable development of a variety of quality tourist accommodation types, at suitable locations, throughout the county.

5.2. **Mayo County Development Contribution Scheme 2023 (adopted 30/6/23)**

2.0 Duration of Scheme

This scheme shall apply from the date of its adoption by the members and will apply for a minimum period of six years.

9.0 Level of Contributions

Table 1 – Level of Contribution for residential development

Class	Description	Rate
1	Residential Unit	€3000 or €20/m2 whichever is the greater
2	Residential Extension	€15/m2 > 40m2

Table 2 – Level of Contribution for other categories of development.

Class	Description	Rate
5	Commercial/ Industrial	€20/ m^2
15	Shortfall in provision of car parking	€2382 per space

10.0 Floor Space, Footprint Area & Site Area

The floor space area of proposed development shall be calculated as the gross floor space area.

10.1 Conversion to Residential Units

A contribution will be charged in accordance with the scheme in respect of any additional residential units created as a result of subdivision and / or additional development.

10.3 Change of Use

Applications for change of use shall be charged at the balance between the normal charges that would be imposed for the development's proposed use and normal charges that would be imposed for the current use.

10.5 Amendments to Previously Permitted Developments

In the case of planning permissions for amendments to developments permitted prior to the adoption of this scheme, development contributions will be levied on the current charges set out in Appendix 1 where the development has not been commenced.

In all other cases, the development contribution charges previously applied to the previous permission will still be payable subject to indexation set out in Section 13 below.

Where additional floor space / footprint has been created in the amended proposal, or where there is a demand for new, upgraded or additional infrastructure or services, additional development contributions will be levied in respect of the gross additional development in addition to that levied upon the original development in accordance with the charges set out in Appendix 1.

Applications for permission for modification/revision to a permitted development including a change of building design or amendment to a site layout will be treated as an independent permission for development for the purposes of calculating development contributions and will be assessed on the floor area, foot print or site area of the full proposal on the date of issue of the decision to grant permission with a deduction / substitution for any contributions paid on any previously permitted development.

10.6 Retention Permissions

Retention permissions shall be charged at double the applicable rate of the development contribution. No exemptions or waivers are applicable for retention permission. Retention of minor changes to previous permitted developments shall be assessed on a case by case basis.

10.7 sets out Reductions and Exemptions.

(1) In defined town/village cores development on brownfield sites a 30% reduction on the applicable rate of development contribution.

(9) In the case of applications for redevelopment projects (residential, commercial / industrial and agricultural), the Scheme will charge only the gross additional development e.g. a redevelopment totalling 200m2 of which 150m2 is replacing

existing development, contribution will be levied only on additional 50m2. In developments where demolition is involved, such demolition must be necessary to facilitate the proposed development for the exemption to apply.

5.3. **Natural Heritage Designations**

The rear of the overall hotel site adjoins River Walk, alongside the Bunowen River. The Bunowen discharges into the Cloghmoyle Dunes pNHA approx. 8.50m downstream and to the West Connacht Coast SAC approx. 1km downstream.

6.0 EIA Screening

6.1. This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the proposed development 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. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. **Grounds of Appeal**

The first party makes the following points in their appeal against condition no. 2 of the planning authority decision to grant permission, under s.48(10)(b):

- The contributions should be amended to reflect the nature of the development and the contributions paid in respect of previous permissions on the site:

PA ref.	**Development Description**	**Contribution**
03/408	Alterations and additions to hotel	€3,000
03/3426	Redevelopment of hotel	€29,535
04/3435	Alterations to previous development	€9,370
06/330	Alterations to existing hotel	€9,370

18/335	Redevelopment of hotel	€4,600
	Total	€55,875

- While it is mandatory to prepare a Development Contribution Scheme, its application is discretionary.
- Reduced or waived contributions are appropriate given the wider and town centre benefits of such development, the potential over-charging of approved floor areas and double charging of constructed floorspace.
- No account was taken of previously approved floor areas and contributions paid.
- The calculation of contributions is contrary to section 10.4 of the adopted Scheme.
- Two of the proposed units (ground floor and first floor units no. 4 and 5) were classed as commercial units in the calculation of planning fees. The proposed two storey unit comprises a residential unit.
- The applicable contribution for commercial units is €20 / sq.m. (121-sq.m.+ 70-sq.m. x €20 = €3,820).
- The PA took no account of section 10.5 of the Scheme. or of section 10.6 which states that "Retention of minor changes to previous permitted developments shall be assessed on a case by case basis."
- The development comprises mainly internal alterations to previously approved development, with no material changes. There will be no impact on the sustainable development of the area.
- Section 10.7.1(1) of the scheme provides for a 30% reduction in town centre sites, which should be applied to any contributions payable.
- Section 10.7.1(9) provides for contributions only on gross additional floorarea, which does not arise in this case.
- The contributions charged are unfair and constitute double charging contrary to Ministerial Guidance.
- Contributions should be calculated as follows

Commercial units 4 & 5 €3,820 plus 2-storey dwelling €3,000 = €6,820.

Applying a 30% town centre reduction under section 10.7.1(1) = €4,774.

However, in line with section 10.7.1(9) of the Scheme, a full off-set of contributions payable is appropriate.

8.0 Assessment

8.1. This is a first party appeal under S.48(10) against development contribution condition (no. 2) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c) I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the scheme itself. Notwithstanding the first party submission, the application of the terms of the scheme is not discretionary.

The proposed development comprises the redevelopment / conversion of part of the hotel, including several former hotel bedrooms, into the following:

- 1 No. self-contained 2-bedroom suite at ground floor level (70-sq.m.),
- 1 No. self-contained 2-bedroom suite at first floor level (112-sq.m.), &;
- 2-storey 2-bedroom dwelling unit (90-sq.m.).

The units are to be retained in single ownership with the hotel and are not intended for permanent occupation. I note that condition no. 3 of the planning authority decision requires that the units shall be let for short-term holiday use only, shall not be sold separately and shall remain part of the existing hotel.

I am not clear as to the basis for the distinction made at planning application stage between residential “dwelling unit” and the commercial “suites” for the purposes of calculating planning application fees. The nature and use of the units described in the application was the same. All three units previously comprised part of the approved hotel development and therefore constituted commercial floor space. The proposed units will remain within the same ownership as the hotel and not used as separate dwelling units.

The development contribution scheme does not contain a definition of residential unit and does not distinguish between permanent residential units and short term / holiday home lets. Having regard to the form and internal layout of the three proposed units, I consider that they would comprise “residential units”, and fall to be considered in accordance with section 10.1 of the Scheme. This change may be considered a change of use.

The development does comprise a retention application and would therefore be subject to contributions of double the rate normally applicable under section 10.6.

I consider that the basic development contributions payable before reductions, would therefore be calculated as follows:

3 no. residential units x €3,000 = €9,000.

Retention @ double the standard rate = €18,000

Reductions:

The proposed development does not comprise a new build development and there are relevant exemptions and reductions available under the contributions scheme. While section 10.6 states that no exemption / waiver is available in respect of retention applications, it does not exclude reductions under the scheme.

The PA have previously applied a discount of 50% of the relevant residential / dwelling unit rate to the development of hotel bedrooms and suites on this site, however, there is no provision in the current scheme for such a reduction. Other relevant sections of the scheme are considered below:

10.3 Change of Use

The change from hotel bedroom and bar to residential unit is considered to be a change from hotel to residential use and section 10.3 of the scheme would be applicable. This provides for an off-set of the charges that would be imposed for the current use. The original floor area of the hotel would be subject to commercial contributions payable at €20 / sq.m. (272-sq.m. plus 51-sq.m. x €20 = €6,460).

10.5 Amendments to Permitted Development

I note that no additional floorspace is proposed and it is not clear that the proposed development would give rise to any demand for new, upgraded or additional infrastructure or services. Under section 10.5 of the Scheme "Amendments to Previously Permitted Developments", a deduction/substitution is allowable in respect of any contributions paid on any previously permitted development.

The development includes the change of 6 no. bedrooms and a ground floor area of the hotel space to residential use. The subject bedrooms were already subject to development contributions of €2,685 per room, excluding parking.

This equates to 6 x €2,685 = €16,110.

I consider that under this provision of the scheme, an offset of these contributions should be allowed in this instance.

10.6 Retention of Minor Changes

While the proposed development does not clearly give rise to increased demand for infrastructure or services, I do not consider that it would not constitute a minor change to be considered on a case-by-case basis under section 10.6.

10.7.1.(1) Town Centre

The development is located within the defined town centre (inner and outer core) and should therefore be afforded a 30% reduction on the applicable rate of development contribution under section 10.7.1(1) of the scheme.

10.7.1(9)

Finally, I refer to section 10.7.1(9) of the scheme. I do not consider that the proposed development constitutes redevelopment of the nature described in this provision. There is no additional floor area and the development would be otherwise subject to section 10.5 of the scheme.

Parking: I concur with the first party in this case that the proposed change would not give rise to an additional parking requirement and that no contribution in lieu therefore arises.

Conclusion

Having regard to the foregoing, I conclude as follows:

- The proposed development comprises the conversion of existing hotel bedrooms and floorspace to residential units.
- The change from hotel use to residential units, may be regarded as a change of use and an offset of the existing commercial rate for the hotel use would be appropriate under section 10.3 of the scheme.
- An additional charge in respect of the retention nature of the application would arise under section 10.6 of the scheme.
- An offset is applicable in respect of the contributions already paid in respect of the permitted floorspace within the development under section 10.5 of the scheme.
- A reduction for the town centre location of the site is appropriate under section 10.7.1(1) of the scheme.

I therefore consider that the development contribution payable would be calculated as follows:

3 no. dwelling units x €3,000 = €9,000.

Retention @ double the standard rate = €18,000

Reductions:

30% town centre reduction of the development contribution rate applicable = -€6,000

Offset of contributions already paid for existing floor space (6 no. bedrooms) = €16,110.

I conclude therefore that the appeal should be upheld and that condition no. 2 of the decision to grant permission should be omitted.

9.0 **AA Screening**

10.0 The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a special contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 **Water Framework Directive**

11.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a special contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

12.0 **Recommendation**

12.1. I conclude that, in accordance with section 48 of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area have not been properly applied in respect of condition number 2, and recommend that the Council be directed to omit said condition and the contribution payable thereunder for the reasons stated.

13.0 **Reasons and Considerations**

Section 10.3 of the Mayo County Council Development Contribution Scheme 2023 provides that applications for change of use shall be charged at the balance between the normal charges that would be imposed for the development's proposed use and those that would be imposed for the current use. Section 10.5 of the Development Contribution Scheme provides that development contributions in respect of modification / revisions to a permitted development will be subject to a deduction / substitution for any contributions paid on any previously permitted development. Furthermore, section 10.7.1(1) of the scheme, provides for a 30% reduction on the applicable rate of development contributions in defined town/village cores.

Having regard to the planning history relating to this site and to the nature and scale of the development the subject of the application and appeal, the Board is satisfied that the terms of the development contribution scheme have not been properly applied. While the scheme provides that retention permission shall be charged at double the applicable rate of the development contribution, having regard to the extent of contributions previously paid in respect of the permitted development on the site and the town location of the site, the planning authority is hereby directed to remove condition no. 2 of the decision to grant permission and the contribution payable thereunder.

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.

Conor McGrath

ADP
01/09/2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	ABP-322782-25
Proposed Development Summary	Redevelopment of part of the West View Hotel, Clooncarrabaun, Louisburgh, Co. Mayo
Development Address	Chapel Street, Clooncarrabaun Louisburgh, Co. Mayo.
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	~~☐ Yes, it is a 'Project'. Proceed to Q2.~~ ✓ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
~~☐ Yes, it is a Class specified~~ ~~**in Part 1.**~~ **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
✓ No, it is not a Class specified in Part 1. Proceed to Q	
1. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

✓ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	**No Screening required**
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	**State the Class and state the relevant threshold**

2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	~~**Screening Determination required (Complete Form 3)**~~
No ✓	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: __Conor McGrath_________ Date: ___01/09/2025_____