



Development

Retention for change of use and completion of function room, from commercial to residential social accommodation.

Location

The Dolphin Hotel, Ballina Street, Crossmolina, Co. Mayo.

Planning Authority

Mayo County Council.

Planning Authority Reg. Ref.

2560378.

Applicant(s)

Pat Mulhern Civil Engineering (Ireland) Limited.

Type of Application

Permission for retention.

Planning Authority Decision

Refuse permission for retention.

Type of Appeal

First Party.

Appellant(s)

Pat Mulhern Civil Engineering (Ireland) Limited.

Observer(s)

Stephanie Tolan, John Duffy, Damian Lavin, Patrick Howley, Jason Deane and Martin Barrett.

Date of Site Inspection

24th November 2025.

Inspector

C. Daly.

1.0 Site Location and Description

- 1.1. The site, of area 0.075ha. consists of a two to three storey pitched roof hotel building at the front which directly fronts on to the Ballina Street (the N59) in Crossmolina. At the front there are bedrooms above the ground floor level reception day room and dining area. There is a rear flat roof single storey extension element which extends to the rear at an approximate 45 degree angle to the original building and there is an alleyway adjacent to this extension on the south-west side. The rear extension consists of a number of bedrooms, some without windows other than skylights and some without en-suite bathrooms on the date of my visit. There is a larger open room to the rear adjacent to the rear laundry room.
- 1.2. The front part of the building consists of entrance lobby, reception, office, and dining area with service rooms including kitchen and toilets directly to the rear. The rear extension directly backs on to a rear laneway which is accessed from the street around the corner from Ballina Street, the R315 Mullinmore Street road.
- 1.3. There is a car parking area and shed building opposite adjoining the right of way to the rear and the rear extension is adjacent to a pitched roof warehouse type building to the rear and is adjacent to the rear return of the adjacent building on the other side. Along Ballina Street, there is a two storey residential terrace dwelling to the west and the former fire station building, now vacant, is adjacent to the west.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:

- Retention and completion of single storey flat roof function room to the rear of the hotel and change of use from commercial function room to social and residential accommodation including internal layout changes and elevation changes along the alleyway to the south-west side.
- At appeal stage, the applicant has submitted an amended internal bedroom layout including en-suite provision and an amended outdoor layout to the rear showing car parking provision for up to 37 car parking spaces and an outdoor amenity area.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council decided to refuse permission for two reasons which relate to:

- (1) As a result of the design and layout and limited provision of facilities for the users and lack of sufficient car parking, the proposed development constitutes overdevelopment of the site, is a sub-standard development which would alter the existing character of the immediate area in an undesirable manner and depreciate the value of adjoining properties in the vicinity.
- (2) The proposed development would intensify traffic at an existing entrance, obstruct road users and would endanger public safety by reason of a traffic hazard due to additional traffic movements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report assessment noted that Crossmolina is classified as a Tier III self-sustaining town. It noted the site location adjoining an opportunity site to the east. It noted the cover letter which states that the building offers homeless accommodation in partnership with the Council and noted that the option is there to revert to hotel use in the future. It considered the proposed development to be an intensification of the existing hotel facility use on the site given the increased number of rooms.

As it considered that the proposed development would be an inappropriate use that would negatively impact on the residential amenity at a local level, it considered the third party observations to be valid. It noted no issues in relation to the external changes to the extension but noted that the applicant is required to demonstrate that the additional bedroom accommodation meets the minimum standards for short-term accommodation which it referred to as the Failte Ireland standards.

It noted inadequate car parking provision by reference to the CDP parking standards and no provision for bicycle parking. In relation to drainage, it noted no location identified for the proposed soakaway. The report concluded by recommending that permission be refused for the two reasons summarised in Section 3.1 above.

3.2.2. Other Technical Reports

- Area Engineer: No report received.
- Road Design: No report received.
- Environment Section: No objection.
- Water Services: No report received.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage: No report received.
- Aan Taisce: No report received.
- Uisce Eireann: No report received.
- Inland Fisheries Ireland: No report received.
- Transport Infrastructure Ireland: No objection.

3.4. Third Party Observations

78 no. third party observations were received by the P.A. and these can be summarised as follows:

Residential Amenity

- Absence of consultation.
- Incidents referenced in relation to increased anti-social behaviour.
- Impact on privacy and unfairness on the community.
- This would change the character of the area.
- Lack of adequate services in the town for vulnerable people.
- Safety issues after dark.
- Over-development of the site.
- Precedent would be set for concentrating social problems in under resourced rural areas.

Change of Use

- The change from hotel to residential use fails to comply with the zoning, objectives for the area and town centre function.
- The precedent would result in further loss of tourist accommodation.
- Unsuitability of the former function room due to its design and lack of natural light.
- Lack of public services and potential anti-social behaviour.
- Over concentration of homeless accommodation in a small town.
- Poor precedent would be set by granting retention permission.
- Tourism policy undermined.
- Failure to align with policy for the town's opportunity sites.
- Lack of details or management plan for operations.

Traffic and Parking

- This will exacerbate congestion from added parking, reduce accessibility and hazards for all modes of transport.
- The roads around the site are small with limited capacity.
- Overflow on to surrounding streets will result.
- Emergency accommodation use is not the same as hotel usage patterns.

Loss of Hotel

- Undermining of tourist sector is a permanent loss to the town's tourism sector.
- There is a growing demand for tourist accommodation not sub-standard residential accommodation.
- Negative economic impact on the town which also undermine the capacity for community engagement, social inclusion and economic activity.

4.0 Planning History

Subject Site

24/469: Section 5 Declaration: provision of accommodation for international protection applicants under IPAS. The P.A. declared that this is development and exempted development Under Part 1, Schedule 2, Class 20F of the 2023 regulations.

02/2133: Permission granted by the P.A. and refused on appeal (ABP ref. PL 16.206522) for the construction of 100 parking spaces. Reason for refusal related to the substandard width of the laneway, the use of the laneway by the fire station, inadequate sightlines at the access onto Mullenmore Street, lack of public lighting and footpaths and use of the laneway by pedestrians, in the absence of proposed improvement, it would endanger public safety by reason of a traffic hazard and obstruct road users. To note: the fire station has since been relocated.

02/1713: Permission granted by the P.A. at area opposite rear of subject site to construct a general purpose store at ground level and offices at first floor level and connect to public services.

Sites in the Vicinity

2460434: Application at F.I. stage at adjacent former fire station to the east for change of use of existing single dwelling house and former fire station to three no. one bedroom apartments, alterations to front elevations, vehicular access from Ballina Street to existing car park to rear of premises.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028 (the CDP)

Volume 1

Per Section 2.8.1 Crossmolina is designated under Tier 3 (Self Sustaining Towns) in the settlement hierarchy.

Section 2.8.1.4 Self-Sustaining Towns (Tier III) Crossmolina, Foxford, Balla, Killala, Knock, Kiltimagh, Louisburg, Newport and Charlestown.

Self-Sustaining Towns have moderate levels of population growth and a limited localised employment base....

In order to reflect this more measured approach to development within Self-Sustaining Towns, the aggregate population increase for all of the settlements in this tier is accumulated and each settlement plan adopts a more flexible zoning approach, within a defined settlement boundary. A single category mixed-use zoning applies to Tier III Self-Sustaining Towns i.e. Self-Sustaining Consolidation Zoning. This approach is also underpinned by the identification of opportunity sites within each settlement and objectives designed to ensure that future developments are of a suitable scale and nature, consolidate the town core and demonstrate the use of the “good neighbour” principle and the sequential approach at all times.

Section 3.4.12 Layout and Design

TVHO 12 To review the car parking standards (Table 7 of Section 7.12.1 Vol. II) over the lifetime of the plan to include maximum parking standards. In the interim period, a reduction of parking standard requirements will be considered for urban infill and brownfield locations, subject to the individual merits of each development proposals, with respect to performance-based criteria, in accordance with the provisions of NPO 13.

Table 12.2 sets out the land use zoning objectives for settlement plans.

Town Centre (Inner and Outer) is *To maintain and enhance the vitality, viability and environment of the town centre and provide for appropriate town centre uses.*

Section 12.3.1.2 Tier III, IV and V Towns and Villages

All Tier III, IV and V towns and villages adopt a single category consolidation land use zoning. This flexible zoning approach provides for a mix of development types that supports the sustainable consolidated growth of these rural towns and villages. All proposals must be compatible with existing adjoining land uses, the character of the area and should also encourage Active Travel. Opportunity Sites have also been identified for Tier III towns. These sites are located within or close to the core of each settlement and seek to guide residential development in a manner that revitalises and repopulates town centres. Section 12.3.1.3 Tier II and Tier III Settlements.

The general policies and objectives for Tier II and Tier III settlements Plan are set out below. The settlement plans provide information on each Self-Sustaining Growth Towns (Tier II) and Self-Sustaining Towns (Tier III) developed from the asset capacity matrix and the principles of Thriving Towns and Villages (Figure 12.1). A conventional zoning map is provided for each Tier II town (Refer to Volume III - Book of Maps), along with identification of town centre opportunity sites, followed by town specific policies and objectives. A single category mixed-use zoning map is provided for each Tier III town, along with identification of opportunity sites, followed by town specific policies and objectives.

Relevant General Tier II and III Settlement Policies and Objectives include:

GSP 2 *To support and encourage the development/redevelopment of identified Town Centre Opportunity Sites in Tier II and Tier III settlements.*

GSP 3 *To support the provision of mixed-use developments in the town centre which create opportunities to live, work, shop, etc., within the town and reduce the propensity to travel by private car.*

GSO 2 *To encourage and facilitate the development of the economic and tourism potential of towns in a manner that respects, builds on, protects and enhances the cultural, built heritage, natural heritage and local amenities of the town.*

Section 12.11.10 Opportunity Sites

Opportunity Site 1 – Located to the rear (south) of the properties on Ballina Street and to the rear (east) of existing properties on Mullinmore Street.

CRO 5 *To sustain, enhance and consolidate the retail and services offer within the core areas of Crossmolina and harness and develop the potential of heritage and tourism assets.*

CRO 7 *To support and facilitate the development of the four identified Opportunity Sites in Crossmolina for residential development, as outlined in Section 12.11.10 (Refer to Map).*

Volume 2

Section 7.6 Access Visibility Requirements

Section 7.12 Parking Standards and Dimensions

Table 7 Car Parking Standards includes:

Hotels: One space per bedroom plus one space per employee/shift

Hostel self-catering: 0.5 spaces per bedroom plus one space per employee/shift

Hotels/Motel: one space per bedroom plus one space per employee/shift

Section 7.12.3 Bicycle Parking includes:

Housing Developments One space per bed space, minimum two spaces plus one visitor space per two housing units.

Other Developments: one space per car space, or 10% of employee numbers in general.

5.2. Government Standards for Temporary Accommodation

- *Guidelines for Development of New Emergency Accommodation* (2022) (Dept of Housing, Planning and Local Government).
- *Guidelines for Temporary Accommodation in Existing Buildings - Single Persons & Family type Accommodation* (May 2022) (Dept of Housing, Planning and Local Government).
- *Failte Ireland Guest House Requirements*.

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.0.09km east of the River Moy Special Area of Conservation (SAC) (site code 002298).
- c.1.2km north-west of Lough Conn and Lough Cullin Special Protection Area (SPA) and Proposed Natural Heritage Area (PNHA) (site code 004228).
- c.5.5km south-east of Bellacorick Bog Complex SAC and PNHA (site code 001922).
- c.7km south-eats of Forrew Bog NHA (site code 002432).
- c.7.4km south-west of Cloonagh Lough (Mayo) PNHA (site code 001485).
- c.7.7km north-west of Lough Alick PNHA (site code 001527).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal on behalf of Pat Mulhern Civil Engineering (Ireland) Limited can be summarised as follows:

- At no point during pre-planning did the P.A. raise any objection to the principle of development.
- There is no policy requirement to retain a function room.
- Precedent cited where ABP determined that the operation of a private homeless hostel did not constitute a material change of use requiring planning permission when converted from a hotel (ABP-319436-24).
- The applicant is in a position to provide the required sightline drawings, parking layout revisions and supporting technical assessments which could have been requested by F.I..
- The change of use does not reduce the viability of the premises, rather it secures its continued use in line with Development Plan policy.
- The development meets and exceeds the Ukrainian Accommodation Guidance and the New Emergency Accommodation standards.
- The development has a Fire Safety Certificate and a Disability Access Certificate and is certified under Purpose Group 2(b) "Other Residential" which includes hotels, hostels and guesthouses.
- The pre-existing operation was never registered as a hotel or guesthouse although it would qualify to use the term hostel.
- The most appropriate use for Fáilte Ireland registration would be as a guest house with some minor works required to achieve compliance.
- The occupancy is 20 persons in the existing rooms and 20 in the proposed rooms with the recognised benchmark at 1 person per min 5sqm. The assertion that the development is sub-standard is without foundation. Photos included of some bedrooms nearing completion.

- The pre-existing hotel had a Development Plan requirement for 131 car parking spaces whereas the proposed use has as requirement for 12 spaces.
- There is ample capacity to the rear for additional parking given the applicant controls a large area of hardstanding which can take up to 37 spaces immediately. Revised site layout plans demonstrate this.
- In terms of planning history, the guest house is an established pre-1963 use and the function room was granted permission in 1978 with no parking requirements imposed.
- The previous function room use was historically associated with late night events, music and alcohol related activity and its absence will permanently reduce noise, disturbance and nuisance levels the improve the overall residential character.
- The proposed number of 40 residents is 3% of the town's population significantly below the 5% threshold where it should be carefully assessed.
- With c.20% of the residents employed, the proposed development will provide temporary relief during a period of accommodation difficulty and contribute positively to the local economy and community.
- Considerations in relation to the availability of local services such as schools, childcare and community facilities fall outside the scope of consideration.
- Daily traffic movements will be no more than 36 trips based on 40% car ownership and this is below the 40+movements which define a significant development requiring a Road Safety Audit per Development Plan policy.
- The premises is well served by public transport and some of the staff walk to work with services to Ballina and Castlebar.
- The resource centre for the town is along the laneway and generally approached on foot.
- The existing laneway can be upgraded, along with measures from a Road Safety Audit, to modern standards with minor interventions which can be conditioned similar to those at the existing town car park.

- Sightline requirements can be met with modest management measures and speeds of vehicles close to the junction would not usually exceed 30kph due to proximity to a main junction and other factors.
- There will be less movements as deliveries are not required given staff van collections and bin collections are fortnightly.
- Secure bike storage is possible at the shed to the rear.
- The Section 5 declaration provided only a temporary exemption and the established use is that of a bar and restaurant with commercial residential accommodation and function room.
- Does the proposal constitute a material intensification of use given the scale of the premises, central location and availability of expansion space?
- The P.A. adopted an overly restrictive approach which curtails the operation of the premises and this would be contrary to the reasonable progression of the business and a balanced consideration of third party concerns.
- The applicant is committed to professional on-site management and resident support structures including engagement with local service providers.

6.2. Observations

Six third party observations were received from Stephanie Tolan, John Duffy, Damian Lavin, Patrick Howley, Jason Deane and Martin Barrett and these can be summarised as follows:

- There is a lack of good design given the cramming of rooms into a contained space, no consideration of living accommodation versus accommodation and no facilities in the proposal and this will endanger the residents and public in this part of the town.
- There is no car park to the rear as it is an unkept yard outside the red line area and there are no proper details provided.
- The right of way along the private laneway can be questioned as no legal proof has been provided as to its existence with the Land Registry online showing no right of way.

- Where the layout plan shows a laneway width of 5.4m, the actual measurement is 4.1m such that it is not suitable for vehicles to pass without endangering the public.
- The rooms labelled bedrooms without background ventilation, operable windows, bedroom space for up to 3 people in an 8sqm area rule this out from being called a habitable environment.
- A full review of the file will show the depth of local concern and the carrying out of these works without permission is of great importance.
- There are endless questions in relation to access arrangements and lack of detail, poor road alignment, lack of sight visibility and endangerment of the public.
- There is no provision for a footpath, public light, surface upgrade, design for disability.
- The previous hotel was a focal point for the town and it is designed and ready for hotel use.
- The proposed traffic management measures cannot be carried out as the laneway is not in the charge of the Council as confirmed in their letter.
- Work commenced and continued despite the enforcement complaints and refusal of permission.
- Permission for a car park to the rear was refused permission by ABP in 2004.
- Photos submitted of a skip and vehicles blocking the laneway and showing traffic on Mullinmore Street.
- Letter from Maughan and Associates for adjacent application which states that the access for the car parking via Mullinmore Street gives rise to traffic congestion at this junction.
- The alternative entertainment and community venues mentioned such as the GAA centre are open to members only and not to the public.
- The proposal is disproportionate to the scale of the town and not sustainable.

- Crossmolina already accommodates homeless people within the hotel building and expanding this provision will result in an overconcentration of homeless accommodation in a small town with limited capacity. Such clustering is unfair to the community and the homeless.
- Local infrastructure is inadequate with a part-time Garda station, an overstretched medical centre, an oversubscribed local national school and no measures proposed to address these deficits.
- The refusal reasons of the Council remain unresolved.
- The appellant must demonstrate a legal right of access.
- The function room is completely unsuitable for residential use with little or no windows or emergency exits with some small velux windows only.
- There is no bathroom or washroom facilities in any of the proposed bedrooms.
- The hotel is the only hotel in north-west Mayo between Ballina and Belmullet and the only hotel between Ballina and Mulranny along the N59.
- The approach of the developer is not consistent with planning laws.
- There have been incidents of anti-social behaviour and abuse of the public recently.
- The proposal raises issues for the future vitality, cohesion and attractiveness of our community.
- The development is contrary to policy for the town centre and represents a shift away from town centre functions.
- The proposal would fail to contribute to retail or commercial vibrancy, tourism attractiveness or to day and evening economy stimulation.
- There is a failure to make reference to opportunity site 1 to the rear which is designated for residential infill and rejuvenation purposes.
- There would be no residential integration as it is a non-standard institutional use that may become disconnected from the wider community.
- The permanent loss to the town' tourism infrastructure, contrary to policy, undermines local businesses that rely on overnight visitors.

- Hotels and pubs are traditional anchors of small town evening economies creating footfall and there will be a profound multiplier loss to the local economy.
- The town as a Tier III self-sustaining town is designed to offer a balanced mix of residential, retail, employment and recreation facilities.
- There is an absence of local supports in relation to addiction services, counsellors/social workers and structured day programmes.
- There is a potential for decline in the perception of the town reducing regeneration potential.
- The proposal does not address the housing crisis as homeless accommodation is transitional and temporary.
- There is a risk of using outdated institutional models instead of dispersed own door housing.
- The homeless accommodation is incompatible with the commercial and residential uses in the vicinity and perceptions in relation to safety.
- There is potential for overflow parking on neighbouring streets, exacerbating congestion.
- This would set a poor precedent for such Tier III towns and larger service centres are better equipped.
- There has been no local consultation.
- There has been no socio-economic impact assessment submitted.
- The applicant might better explore hybrid alternatives such as a hotel functional alongside modest emergency accommodation.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development and Compatibility with Policy
- Design and Layout
- Amenity
- Car Parking and Access

7.2. Principle of Development and Compatibility with Policy

7.2.1. I note that per Sections 12.3.1.2 and 12.3.1.3 of the CDP, that a single category mixed use zoning applies to the site which allows for a mix of development types but that all proposals must be compatible with adjoining land uses. I note the proposed homeless accommodation use, the former hotel use and the proximity of residences in the vicinity of this inner core town centre location. In this context, noting the similarity of homeless accommodation to residential accommodation use and the town centre location where a mix of uses can be catered for, in principle I consider the proposed change of use to be acceptable. I note observers have raised issues in relation to the effects of the proposed use on the amenities of the town and residences in the vicinity and notwithstanding the acceptability of the use in principle I will assess these issues separately below.

7.2.2. I note that at appeal stage the applicant has included within the red line an area to the rear of the private access laneway for car parking and amenity provision. This area was previously within the blue line area such that the additional parking and open space shown to the rear is a suggested modification at appeal stage. I note this area is part of Opportunity Site 1 identified on the Crossmolina settlement plan map (Volume 3 of the CDP). In relation to this opportunity site, I note that Section 12.11.10 of the CDP states that this site has been identified for residential purposes to rejuvenate and revitalise the area close to and within the town centre. In this context, in principle I do not consider the proposed car parking area to the rear which would be sizeable can be said to be compatible with CDP policy as it relates to opportunity site 1 as it would take up a sizeable portion of this area. However, I do not consider that giving over a small area of this part of the site to car parking and amenity space would be significantly detrimental to the policy to provide for

residential development on this part of Opportunity Site 1. I consider the car parking requirements of the development further below.

- 7.2.3. In relation to the issues raised regarding the loss of the hotel and policy in relation to tourism development, I consider that these policies allow such tourism development in the town but do not require, where such development already exists, that it be preserved. In my opinion the land use policies for the town centre allow for the mixed uses suggested by policy but do not require their maintenance should an applicant propose a different use consistent with policy. Residential accommodation of the nature proposed is permissible in principle at this location.
- 7.2.4. In relation to the enforcement matters raised by the observers, I consider these to be matters for the Planning Authority and the Commission has no competence in relation to same.

7.3. Design and Layout

External Impact

- 7.3.1. In relation to the design and layout of the rear extension for retention and completion and its external design related impacts, I consider that the design of the ground level extension is of an appropriate scale relative to the surrounding buildings such that it integrates with its surroundings, is not visually obtrusive or particularly noticeable from the rear. I note the design does not give rise to any undue negative impacts in terms of overbearing, overshadowing or overlooking and is acceptable in relation to these matters.

Internal Space and Facilities

- 7.3.2. I note the appeal includes a design revision to include ensuite facilities for the bedrooms. The observers have suggested the rooms represent sub-standard accommodation. The appeal references that the development has a Fire Certificate and a Disability Access Certificate and is certified for “other residential” use which includes hostels which I consider similar to the proposed homeless accommodation. I note the supporting documents submitted in this regard. It also references compliance with the Guidelines for Development of New Emergency Accommodation and the Guidelines for Temporary Accommodation in Existing Buildings - Single Persons & Family Type Accommodation. These guidelines refer to persons fleeing

the war in Ukraine and I note it is not specified if this circumstance applies to the subject case. However, while I will reference these guidelines further below for the Commission's information, I consider the applicable guidelines to be the Guidelines for the Development of New Emergency Accommodation.

- 7.3.3. The Guidelines for Development of New Emergency Accommodation state that they include new built emergency accommodation and properties that can be acquired for conversion. The guidelines include criteria for appraisal by the Department's advisers. It recommends locations within built up areas. For family type accommodation it states that some level of private car parking should be considered and it states that parking may be considered unnecessary in town or city centre locations where good transport links are available. For single accommodation it states that in town centres a local authority may conclude that private car parking is unnecessary. Car parking will be assessed separately below in this report.
- 7.3.4. In relation to general standards it states that it is expected that all habitable rooms that living rooms and bedrooms should not be lit solely by roof lights and all habitable rooms should be naturally ventilated and lit. I note this would not be the case for the two ground floor central rooms such that I consider they should be omitted by condition. I note that the minimum floor area standards would be met. I note that room 1 is designed for disabled persons and this provision would meet the minimum 5% provision in this regard.
- 7.3.5. I note per the suggested modifications at appeal stage that the sanitary provision standards can be met with at least one WC provided for every 7 bedspaces required given that rooms would generally be en-suite. The standards for showers (one per 10 bedspaces) can be exceeded given the en-suite provision also. I also note that the standards for shared facilities such as kitchens and laundry would be met and I consider that the development, other than in relation to the two ground floor central bedrooms, meets these standards. Given the failure to include ensuite facilities in many of the rooms at application stage, should permission be granted I recommend that the amended floor plans introduced at appeal stage be provided for to ensure sanitary standards are met.
- 7.3.6. The Ukraine related guidelines note "*a general objective not to disproportionately alter the balance of established communities; anything in excess of 5% of the current*

population should be very carefully assessed". The appeal notes that the proposed number of 40 residents at 3% of the town population is significantly below this threshold which I accept is modest in the context of the town population. While these are not the applicable guidelines, I note that they provide a useful benchmark/threshold for assessing the impact of emergency accommodation which I consider reasonable in this case. It notes that where own door self-catering family units are not provided that shared catering facilities should be provided including kitchen facilities and associated dining area. I consider the 80sqm shared kitchen area to be acceptable in this regard.

- 7.3.7. I note no clear reference to refuse facilities but given the area available to the rear, should permission be granted I consider that a modest area could be provided by condition for this purpose. In relation to sleeping accommodation and room sizes I note that the minimum standards of 5sqm per person applies and this should be exceeded where possible to 6.5sqm. I note this standard is achieved at ground floor, first and second floor levels and with en-suite bathrooms included which is in excess of the sanitary provision standards.
- 7.3.8. I note the minimum floor area standards are met or exceeded in relation to lounge/recreation area and laundry/storage. Dedicated private open space is proposed in the area adjacent to the laneway to the rear. In relation to the absence of windows in the side elevations of the two central rooms at ground floor level and which are served by a small part of the overhead velux windows for daylight purposes, it is not clear if these velux windows are openable for the occupants of the two central bedrooms.
- 7.3.9. In relation to lighting, the guidance states that every habitable room shall have adequate natural lighting. While it could be argued that velux roof lights provide this function, I consider that only external wall inset windows can provide this function while providing a sufficient standard level of residential amenity. Accordingly, should permission be granted I recommend that the two central bedrooms be omitted by condition and the area for these rooms be given over to communal facilities for the residents. I am otherwise generally satisfied that the accommodation accords with the above guidelines.

7.3.10. In relation to the Failte Ireland Guest House requirements and the compliance assessment submitted by the appellant in this regard, I note a failure to comply for some of the first and second floor rooms in relation to the minimum 9sqm floor area requirement, one of the ground floor shared rooms in relation to the 15sqm requirement and in relation to external windows for the two ground floor central rooms. Noting this and the standards in relation to Temporary Accommodation which I consider applicable, I consider that subject to the omission of the two ground floor central rooms for bedroom use, that a condition should be applied if permission is granted to state that the permission solely relates to the provision of temporary accommodation in existing buildings consistent with the September 2022 guidelines.

7.3.11. Based on the above, subject to condition, I consider that the internal space standards would be sufficient for homeless accommodation which by its nature is intended for short-term occupation by individuals prior to being housed.

7.3.12. In relation to support facilities/structures outside the building in the town, I note the observers have raised issues in relation to the absence of appropriate support facilities, for example medical facilities, school places and amenity places. While there may be an absence of appropriate support specialist support facilities and shortages of medical and school places, I do not consider this to be a significant concern also noting the relatively modest scale of development relative to the town population. and noting the bus service available to the larger towns such as Ballina,

7.4. Amenity

7.4.1. I note the observers have raised concerns in relation to impacts on the amenities of the town and its residents including in relation to anti-social behaviour and other potential negative impacts which they assert are related to homeless accommodation. The argument advanced in this regard is that a material change of use has taken place effectively because the homeless occupants have significantly differing requirements and impacts as compared to hotel occupants and also in relation to the intensity of the use given the expansion/intensification of rooms. While I do not consider the change of accommodation typology to be significant in terms of external impacts, I note the intensification argument, as outlined previously in this report, in the context of the scale of development and size

of the town. I do not consider this significant such that I am satisfied that no undue impacts on amenities in the vicinity would result.

- 7.4.2. I note the argument of the appellant that when the function room was previously in use it gave rise to loud music and alcohol related activity that could be argued to be a nuisance for residents in the vicinity and to have resulted in undue negative impacts in terms of noise and late night activity. In this context, I do not consider that any potential anti-social behaviour impacts that may result from the homeless persons would be any greater or more significant than those associated with the previous hotel and function room use.
- 7.4.3. Therefore, while some of the impacts in terms of noise and other anti-social behaviour may arise at different times or locations, in terms of significance or magnitude, in my opinion the proposed development given its modest scale and type would not result in undue negative impacts on residential amenity or other amenity in terms of noise or other anti-social behaviour impacts. I also note the provision of staff on the site and a Garda presence in the town such that I have no significant concerns in planning terms in relation to the potential to regulate any anti-social behaviour that may arise. Should permission be granted, I nevertheless recommend a condition to require an operational management plan be submitted for agreement to ensure that the internal management procedures in relation to these matters are satisfactory.
- 7.4.4. Various arguments have been put forward by the observers in relation to the impact on the perception of the town and on the impact on the town centre, for example in terms of retail impact. Given the modest scale of the development relative to the town size and town centre, I do not consider any economic or social impacts that may or may not result to be significant in planning terms. I note that the CDP policies and objectives in relation to rejuvenation and enhancement of the town centre and town would not, in my opinion, be significantly impinged upon or impacted unduly by the homeless accommodation.

7.5. **Car Parking and Access**

- 7.5.1. I note that the observers have raised issues in relation to inadequate car parking provision. I note that per Table 7 (Volume 2) of the CDP there are standards for hotels, self-catering hostels and motels and I consider the homeless accommodation

similar to a hostel in this regard. The applicable standard for hostels is 0.5 spaces per bedroom plus one space per employee shift. In this case that would give rise to a requirement to provide for 13 bedrooms and two staff assuming two bedrooms are omitted which would give a requirement for 9 parking spaces. I note the appellant has suggested that the previous hotel and function room use gives rise to a requirement for 131 spaces (including 90 for the function room) and that the proposed use gives rise to a requirement for 12 spaces such that no intensification of development arises.

- 7.5.2. Noting the provisions of objective TVHO 12, I do not consider the requirements of Table 7 to be a mandatory requirement of the CDP such that a failure to provide the required spaces would not result in a material contravention of the CDP in my opinion.
- 7.5.3. I have previously outlined above that I consider the use of the whole of the area to be rear of the laneway for car parking as outlined at appeal stage to be contrary to the provisions for opportunity site 1 where residential development is intended. I note that there is space for 10 car parking spaces as shown on the original application drawings to the area in front of the shed which would be a more modest area that in my opinion would not significantly impact on policy for residential development for Opportunity Site 1. In this context, I do not recommend that the car parking spaces layout submitted at appeal stage be permitted to ensure the availability of this area for potential residential development in the future as part of the wider Opportunity Site 1.
- 7.5.4. Should permission be granted I also recommend that bicycle parking be provided in the shed as suggested by the applicant in accordance with the standards of Section 7.12.3 (Volume 2) of the CDP whereby 10 spaces would be required.
- 7.5.5. In relation to access, I note the observers concerns in relation to congestion, the appropriateness of using the laneway for vehicular access and their road safety concerns. I note the appellant's assertion that the development results in a lower car parking requirement and that no intensification of use in relation to traffic therefore results.
- 7.5.6. However, while I note there is currently no marked car parking area to the rear of the lane, that this area functioned as an informal car park on my site visit to the front of

the shed area for a similar number of spaces to the 9 required. In this context, based on the established use of the site, I do not consider that a significant intensification of development results by reference to the car parking requirement and associated trips that would be attracted to and from the site. I also note in relation to the previous refusal of permission in relation to inadequate access, that the a fire station is no longer located adjacent to the site and no longer uses the laneway for access given its new location away from the vicinity of the site.

- 7.5.7. I also note a current application at the site which includes a proposal for access and car parking via the laneway and via the parking area for the subject site proposal. I note that I have assessed the original parking layout to be acceptable and I note that this would not preclude access to the rear for the adjoining application. I also note the adjoining application is for three one bedroom apartments which I do not consider significant, in cumulative terms, in terms of trip generation along the laneway when combined with the subject application.
- 7.5.8. Based on the lack of intensification in relation to trip attraction to and from the site and the policies and standards of DMURS, whereby unmarked narrow roads are considered to provide for traffic calming via encouraging significantly slower vehicular movements, improved driver behaviour and a safer traffic environment generally, I do not consider that the development results in a requirement for any access changes or improvements which in any event the applicant would not be able to provide without the lane owner's consent.
- 7.5.9. I note the observers have suggested that no right of way has been proven over the laneway to the rear. However, in the context of the assertion of the right of way by the applicant, and its marking in yellow on the site plan, and noting the historic use of the site for the hotel, I do not consider that it has been demonstrated that the applicant lacks sufficient legal interest in this regard. Nevertheless, I note that a grant of permission Section 34(13) of the Planning and Development Act 2000 as amended does not give rise to an entitlement to carry out the development.
- 7.5.10. Should permission be granted I recommend standards conditions be applied in relation to drainage, service provision, waste collection and development contributions.

8.0 EIA Screening

8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report) noting that while a change of use is not a project, the associated works are a project and a class of development under the regulations. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 AA Screening

9.1. 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 c.0.09km east of the River Moy Special Area of Conservation (SAC) (site code 002298).

9.2. The proposed development comprises retention for change of use and completion of function room, from commercial to residential social accommodation. No nature conservation concerns were raised in the planning appeal.

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.4. The reason for this conclusion is as follows:

9.5. I conclude, 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

- The small scale and nature of the works and urban type development.
- The lack of a direct connection to the River Moy SAC and the serviced nature of the site and existing uses on site.
- Taking into account the screening report/determination by the P.A..

10.0 Water Framework Directive

- 10.1. The subject site is located above the Ballina groundwater body (IE_WE_G_0035) (status “good”) and c.100m east of the Deel (Crossmolina)_050 river water body (IE_WE_34D010300) (status “good”).
- 10.2. The proposed development comprises the retention for change of use and completion of function room, from commercial to residential social accommodation. No water deterioration concerns were raised in the planning appeal.
- 10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
 - The small scale nature of the development and the connection to the public mains sewer with the Crossmolina WWTP noted to have available capacity.
 - The distance from the nearest water bodies and lack of hydrological connections.
- 10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

I recommend that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the provisions of the Mayo County Development Plan 2022 – 2028, mixed use zoning of the site, to the nature and scale of the development and its relationship with the surrounding area, its external impacts particularly in terms of local amenity and traffic safety and parking impacts, it is considered that subject to compliance with the conditions set out below, the development would be acceptable, would provide a satisfactory level of accommodation, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, in terms of accommodation standards and typology and traffic safety and parking standards. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 2nd day of September 2025, 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 within six months of the date of this permission and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permitted use of the development is for short-term residential accommodation purposes only.

Reason: In the interest of clarity.

3. The two central ground floor rooms in the rear extension without external side facing windows shall be omitted and this area shall function as a circulation or common area. Within three months of the date of this permission, the

applicant shall submit revised floor plans showing such revisions for the written of the Planning Authority.

Reason: In the interest of temporary accommodation standards.

4. The premises shall be managed in accordance with a detailed Operational Management Plan which shall include provisions for dealing with potential anti-social behaviour, noise and disturbance as well as staffing levels and operational hours. This shall be submitted to the Planning Authority for its agreement within three months of the date of this permission.

Reason: To protect adjoining residential amenities.

5. A maximum number of 10 car parking spaces shall be provided in accordance with the details submitted to the planning authority on the 13th day of June 2025.

Reason: For clarity and in the interests of sustainable transportation and development.

6. At least 10 no. bicycle parking spaces shall be provided in the rear shed in accordance with the standards outlined in Section 7.12.3 (Volume 2) of Mayo County Development Plan 2022-2028.

Reason: In the interests of sustainable transportation and development.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this permission. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Within three months of the date of this permission, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

9. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network within six months of this grant of retention permission.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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.

Ciarán Daly

Planning Inspector

12th December 2025

Appendix 1
Form 1 - EIA Pre-Screening

Case Reference	ACP-323538-25
Proposed Development Summary	Retention for change of use and completion of function room, from commercial to residential social accommodation.
Development Address	The Dolphin Hotel, Ballina Street, Crossmolina, 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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. 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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Class 10(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district.</p> <p>Site area is 0.075ha within a business district of a town.</p>

<p>4. 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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2
Form 2 - EIA Preliminary Examination

Case Reference	ACP-323538-25
Proposed Development Summary	Retention for change of use and completion of function room, from commercial to residential social accommodation.
Development Address	The Dolphin Hotel, Ballina Street, Crossmolina, Co. Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. 285sqm of works to be retained within a building floor area of 803sqm.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The site is within the town centre and is not located close to any environmentally sensitive sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Nature of the development with no significant pollution at construction or operational stages, such that no likely significant effects on the urban environment arise.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)