



An
Bord
Pleanála

Inspector's Report

ABP-306884-20

Development	Retention of existing newly constructed extension that services existing furniture processing building.
Location	Kilmoyle, Killoe , Co Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	201
Applicant(s)	Gerry Kennedy Furniture.
Type of Application	Retention.
Planning Authority Decision	To grant with conditions.
Type of Appeal	Third Party
Appellant(s)	James Mulhern
Observer(s)	None.
Date of Site Inspection	8 th July 2020
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 1.12ha appeal site is situated c.5km east of Longford Town, in the townland of Kilmolye, County Longford. It lies on a minor road approximately 2km north of the N4. Along the public road to the north and south of the site are a small number of one-off houses. The nearest property to the appeal site, excluding the applicant's property, lies c.150m to the north east of the proposed development (extension to existing furniture processing building). To the west of the site is a mature woodland.
- 1.2. The appeal site itself comprises a furniture manufacturing building and its associated yard. The building is broadly rectangular in shape, with the southern extension area of the manufacturing unit (the subject development) recessed behind the building line of the principle building. The development is finished in a mix of render and stone (to entrance) and has a metal sheeted roof. Two roller shutter doors are situated in the southern component, one facing the public road and the other in the southern elevation of the building. Access to the site is from the public road via a wide gated entry. Trimmed hedges bound the site alongside the public road and sight lines at the entrance to the site are unobstructed in both directions. A stream runs along the southern boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises retention of an existing newly constructed extension (391sqm) to the southwest of the original furniture processing building (781.11sqm). The steel portal frame extension lies to the south west of the existing processing building and will have a maximum height of 5.1m as per the existing building. It is finished in similar materials to the existing structure. The development is served by existing connections to the public mains and foul water treatment system. Surface water will be disposed of by soakpit.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 20th March 2020, the planning authority decided to grant permission for the development subject to 12 conditions. These include:

- C2 – Noise levels at one metre from noise sensitive locations to not exceed 55 dB (A) LAr, T between 9am and 6pm Monday to Friday and 9am to 2pm on Saturdays.
- C3 – Requires the development to comply with the requirements of the Health Service Executive (EHO).
- C4 – External finishes to be compatible with existing.
- C5 – Requires the existing effluent treatment system to have sufficient capacity to cater for the development and comply with the EPA's Manual guidelines for single dwellings and be replaced or upgraded if necessary to comply.
- C8 – Requires that the development be designed, maintained and operated so that no emissions (odours, dust, noise etc.) would give reasonable cause for annoyance to any person in residence or in a public place in the vicinity.
- C12 – Development charge.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The Planning Report refers to the planning history of the site, observations made and internal reports. It states that the development would provide for a diversification in existing agricultural activities, would be carried out in a rural area where livestock farming/agriculture is predominant and will include an increase in the industrial element. It is stated that the development will not result in significant environmental or visual impact, have negligible noise impact on adjoining residential amenity and would not threaten road safety. It recommends granting permission for the development.

Other Technical Reports

- Roads (14th January 2020) – No comments as the application is retention to an existing building.
- Fire Department (31st January 2020) – Refers to the Building Control Act 1990 and Building Control Regulations 1997 and the requirement for a Fire Safety Certificate and Commencement Notice. In particular states that the development shall be designed and constructed to meet the requirements of the Regulations including the provision of vehicular access for Fire Brigade and suitable and adequate water supply for fire-fighting.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

3.4.1. There is one third part observation of file. It raises the following issues:

- **Unauthorised development.** Development requires planning permission and is in breach of planning laws.
- **Traffic.** Narrow public road leading to the site entrance. High ditches on both sides. Dangerous for travelling on foot or by car with the volume of traffic that the development will generate. Impact of factory van movements and deliveries on local road system. Limited access by emergency vehicles (improper roadway).
- **Impact on amenity.** Noise from saws and machinery.
- **Inappropriate location.** Development should be located in an industrial estate.

4.0 Planning History

- PL 72/3267 – Planning permission granted to Frank Kennedy for erection of lean to calf shed.
- PL 96/13692 – Permission granted to Gerard Kennedy for factory workshop.

- PL 97/13725 – Permission granted to Gerard Kennedy to retain workshop and construct workshop.

5.0 Policy Context

5.1. Development Plan

Section 4.7 of Longford County Development Plan 2015-2021 recognises the significance and importance of rural areas to the County and state that it is 'imperative that the economic development of rural areas is promoted'. Policies support this overall objective and facilitate the establishment or expansion of small scale enterprise in rural areas subject to compliance with normal development management requirements and technical criteria, including suitability of location, nature and scale, impacts on public health, environment, amenity and the road network (Policies RUE1, 2 and 3).

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is generally removed from sites of nature conservation interest. It lies c.1.75km to south east of Carrickglass Demesne proposed Natural Heritage Area (site code 001822) and c.4km to the north east of Derrymore Bog pNHA (site code 000447). The nearest European sites is c.8.5km to the south west, Mount Jessop Bog Special Area of Conservation (site code 002202).

5.3. EIA Screening

- 5.3.1. The proposed development comprises modest construction works, including extension of the existing factory building and connections to services. The development is well below the threshold of any relevant Class in Schedule 2, Part 5 of the Planning and Development Regulations 2001 (as amended). It is situated in a rural area which is not identified as a sensitive location in the County Development Plan. Further, the development is not of a scale or type which would be likely to give rise to the use of significant natural resources or the production of significant waste or pollution. Consequently, there is therefore no real likelihood of significant effects on the environment or requirement for environmental impact assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third party appellant reiterates matters raised in the observations and the following grounds:

- **Inappropriate location.** River runs alongside the back of the factory.
- **Impact on amenity.** Impact on character of area and rural landscape.
- **Unauthorised development.** No public consultation. The unauthorised development should be dealt with via enforcement action (the appellant states that he is making a complaint under section 152 of the Planning and Development Act 2000). History of past developments which have taken place without planning.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- The appellant lives 7-8 miles from the appeal site and is unknown to the applicant.
- The applicant was born in and raised in the premises, has been making furniture since primary school, starting off in a small shed and improving the business since. He has had no opportunity to buy premises in an industrial estate. He employs 4 people in his furniture business.
- The applicant has a good relationship with his neighbours, the premises lie in a low land area, surrounded by trees and the development fits in well with its surrounding countryside. The front facing of the building is in stone and ties in with existing buildings.
- The extension is for safety and storage (traumatic burglary in 2012). There is no woodworking machinery in the extension area. More material can be stored and deliveries are only needed once a month. Vans and tools are kept inside for safety.
- A retention fee was paid as soon as the oversight was brought to the applicant's attention.

6.3. **Planning Authority Response/Observations/Further Responses**

- None.

7.0 **Assessment**

7.1. Having regard to the details on file and my inspection of the appeal site and surrounding area, I consider the key matters for this appeal are:

- Location of the development, impact on landscape character and amenity.
- Traffic.

7.2. The appellant also refers to the unauthorised nature of the proposed development and previous developments on the site. Matters of enforcement fall outside the remit of the Board and are properly dealt with by the planning authority using their powers under section 152 of the Planning and Development Act 2000 (as amended). In this instance the subject development is proposed in order to regularise its planning status and the application process has facilitated public consultation and comment on it.

7.3. **Location of the Development, Impact on Landscape Character and Amenity**

7.3.1. Policies of the Longford County Development Plan 2015-2020 recognise the importance of the rural economy and encourage its diversification subject to normal planning safeguards. The proposed development provides an extension to a furniture business which has been on site for c.25 years. The development lies in a gently undulating landscape that is characterised by small agricultural fields, separated by hedgerows, and a backdrop of mature trees (see photograph no. 1) and is not overly obtrusive when viewed from the public roads in the vicinity of the site. Furthermore, the development is removed from direct neighbours and is kept in a clean and tidy state and there is no reference on file to any complaints with regard to noise or other emissions from the development. I deal with the matter of traffic below, but in principle having regard to these factors, history of the site and policies in respect of rural enterprise, I do not consider the location of the proposed development to be inappropriate.

- 7.3.2. The appellant refers to a river which runs along the appeal site. From my inspection of the appeal site and historic mapping (see photograph 8 and attachments), a stream would appear to flow along the southern boundary of the site in a south east to north west direction, discharging to the Lissameen waterbody, c.1.2km to the north west of the appeal site. This waterbody was deemed to be at 'Good' status for the period 2013 to 2018 by the EPA.
- 7.3.3. It is stated in the planning application form that surface water will be disposed of into a soakpit. There are no details on file regarding the location of the this. Further, and at the time of site inspection, the yard area surrounding the subject extension appeared to be made up of hardcore, which would provide a permeable surface for rainwater and negate the requirement for a soakpit. I also noted from my inspection of the site that there was little evidence of any oil spills, fuel tanks or other potential contaminants on the site.
- 7.3.4. Having regard to the foregoing, I do not consider that there is any evidence that the proposed development has or is likely to give rise to the pollution of the stream running along the southern boundary of the site. If the Board are minded to grant permission, I would recommend a condition requiring details of the location of the soakpit on site and arrangements for the management of surface water.

7.4. Traffic

- 7.4.1. The proposed development is situated on a minor public road, c.2km north of the N4. Sightlines at the entrance to the site are not obstructed in either direction and roadside boundaries in the vicinity of the site are not unduly restrictive. There is no information on file regarding traffic movements associated with the proposed development. However, in response to the appeal the applicant states that rationale for the development is for safety and storage, with a view to reducing deliveries to once a month.
- 7.4.2. Having regard to the foregoing, I would accept that public roads in the vicinity of the site are quite minor, capable of accommodated limited flows of traffic. However, there is no evidence to suggest that the existing factory, and extension, gives rise to substantial traffic flows or particularly large vehicles and no concerns have been raised to this effect raised by the planning authority. Further, from my inspection of

the site and surrounding area I also do not consider that the public roads, which accommodate large agricultural machinery, prohibit access by emergency vehicles. In view of the foregoing, I do not consider that there is no evidence to suggest that the proposed development will give rise to traffic hazard or risk to public safety.

8.0 **Appropriate Assessment**

- 8.1.1. Having regard to the nature of the proposed development, including the absence of discharges from the site to any surface water body, and its location substantially removed from any European sites (>8km), no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

- 9.1. I recommend that retention for the development be granted subject to condition.

10.0 **Reasons and Considerations**

Having regard to the policies of the Longford County Development Plan 2015-2021, which support the diversification of the rural economy, the longstanding nature of the existing development on the subject site and the location, nature, scale and form of the extension to be retained, it is considered that the proposed development, subject to compliance with the conditions set out below, would not detract from landscape character or the amenity of property in the vicinity of the site and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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
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	<p>authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Within three months of the date of this order, details of the location of the soakpit and arrangements for the management of surface water on site, shall be submitted to the planning authority for written agreement.</p> <p>Reason: To prevent water pollution.</p>
3.	<p>The external finishes of the proposed extension shall match the existing development in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The noise levels generated during the operation of the development shall not exceed 55 dB(A) Leq,1hr when measured at the nearest occupied house.</p> <p>Reason: In order to protect the amenities of property in the vicinity.</p>
5.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.
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Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Deirdre MacGabhann

Planning Inspector

20th July 2020