



An  
Bord  
Pleanála

## Inspector's Report PL16.246988

---

<b>Development</b>	Subdivision/alterations to commercial unit and associated site works at Main Street, Ballyhaunis, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	15/187
<b>Applicant(s)</b>	Tahir Mahmood
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Appellant(s)</b>	1. Cory McGarry
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2016
<b>Inspector</b>	Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 1300 square metres, is located on the western side of Main Street, Ballyhaunis, Co. Mayo, close to its junction with Clare Street. The property site part three/two storey in height and backs onto a laneway to rear. The element fronting onto Main Street is three storey in height while that fronting onto the laneway to rear is two-storey. The premises is currently vacant at ground floor level, with apparent residential use of the upper levels.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the subdivision of an existing commercial unit, alterations to existing front, side and rear elevations, replace part of existing roof structure with new redesigned roof structure and finishes and associated site works.
- 2.2. The floor area of the premises is not being increased from that currently existing.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission GRANTED, subject to six no. conditions.

Further Information was requested by the planning authority in relation to details regarding use, opening hours and number of employees; shopfront design; gully details and proposals to dispose of surface water; car parking; floor plans and elevations of entire building and revised proposals relating to roller shutters.

Clarification of Further Information was requested by the planning authority in relation to shopfront design. The applicants were also advised to note that the redesigned roof structure and finishes were not acceptable and were advised to retain existing roof design.

Revised public notices were submitted on 08<sup>th</sup> day of June 2016.

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

The report of the area planner reflects the decision of the planning authority

### 3.3. **Other Technical Reports**

Area Engineer: Recommendation to grant, no conditions attached

National Roads Design Office: No issues

NRA: The Authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads.

### 4.0 **Planning History**

4.1. None

### 5.0 **Development Plan**

5.1. The Mayo County Development Plan 2014-2020 is the operative County Development Plan for the area.

#### Zoning

Town Centre

The Ballyhaunis Area Plan is contained within the operative County Development Plan

The site is located within the 'Core Shopping Area'

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Concerns regarding creating of a fire hazard and subsequent damage to property
- Compliance with Building Regulations
- Concerns regarding party walls
- All information requested by planning authority has not been provided
- Any grant of permission should set out that a Fire Cert is required
- Inadequate drawings submitted
- Inadequate details in relation to water disposal
- Queries compliance with car parking requirements

### 6.2. Planning Authority Response

A response of the planning authority may be summarised as follows

- Proposal involves sub-division, alteration and potential re-occupation of a prominent commercial premises in the centre of Ballyhaunis
- Considered that the concerns raised in the appeal do not relate to the principle of the development but pertain predominantly to matters that fall under the remit of the Building Regulations

### 6.3. Other Party Responses

A response from the applicant may be summarised as follows:

- Proposal involves internal changes to an existing commercial building
- Existing roof in poor condition and requires the works as presented- new roof including valley gutter is a replacement of the existing valley gutter and roof modifications to existing roof that are already in place but severely defective- valley is located entirely on applicant's side of party wall
- Damage caused by defective roof is causing extensive damage to building- current condition represents a significant health and safety risk
- No proposal to encroach into neighbouring property in any way
- New roof will cater for exactly the same roof water catchment for both applicant's property and that of neighbours- same volume of water will be discharged to the same storm water network within the property, which will in turn drain into mains system
- Roof structure detail does not require any excavation or undermining of existing party wall as it is proposed to install a steel superstructure located within applicant's property

### 6.4. Observations

6.5. None

## 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of development
- Impacts on amenity
- Appropriate Assessment

### 7.2 **Principle of development**

7.3 The proposed development involves the subdivision of and alterations to an existing commercial premises on Main Street, Ballyhaunis, Co. Mayo. The proposed works are being contained within the footprint of the existing structure. The site is located within the 'Core Shopping Area', with a 'town centre' zoning, as outlined within the operative County Development Plan. There are policies in the operative Plan for re-use of vacant buildings within town centre. Having regard to the location, scale and nature of the development proposed, I consider it to be acceptable in principle and generally in compliance with the policies and objectives of the Mayo County Development Plan 2014.

### 7.4 **Impacts on amenity**

7.5 I note the points raised in the appeal submission. I consider that many of the issues raised in relation to building regulations, property rights and fire certificates are outside the remit of this planning appeal.

7.6 The proposed development involves the subdivision of an existing retail unit at ground floor level; some minor front elevational changes; replacement roof to rear and associated site works. There is no increase in floor area from that existing. I note the information requested by the planning authority by means of Further Information and Clarification of Further Information. The proposed sub-division is

considered acceptable. The unit is currently vacant and the proposed sub-division may allow for the future occupation of the premises and aid the revitalisation of this area of the town. At the present time, the vacant premises detracts from the streetscape at this location. The proposed signage/shopfront details are generally acceptable but if the Bord is disposed towards a grant of permission, I recommend that this issue be dealt with by condition. I note the concerns raised in relation to the proposed new roof. I also note the explanation of the need for same by the applicant in his response to the appeal. The roof and guttering is being replaced due to the poor condition of that existing and concerns regarding its safety. It is stated that there is no enlargement, relocation or diversion of the existing valley gutter. This appears reasonable. The replacement structure is similar in style and height to that existing. Slate is being used as a roof finish for areas visible from the street. This is considered acceptable.

7.7 In terms of drainage, I note that this is an existing premises with connections to the public mains. I note the report of the Area Engineer, who had no objections to the proposed development. I also note the details contained within the applicant's response to the appeal. Having regard to all of the above, I have no information before me believe that the proposal would be prejudicial to public health.

7.8 In terms of parking provision, I note that the requirements of the planning authority are set out in the operative County Development Plan. I consider that these requirements would relate primarily to new uses, extensions to premises in locations where parking may be an issue. In this instance, I note that the site is located in a town centre location where ample on-street parking is available in the immediate vicinity. I note the previous stated use of the premises as a hardware store. Having regard to all of the above, I consider that additional parking is not required in this instance.

7.9 I consider that there is adequate information contained within the submitted documentation to allow me undertake a comprehensive assessment of the proposed development.

## **7.10 Appropriate Assessment**

7.11 The subject site is located in an established town centre location and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, 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.

## **8.0 Recommendation**

8.1. I recommend that planning permission be granted for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development within a town centre location where there is ample on-street parking available, it is considered that the proposed development would not detract from the amenities of the area; would not be prejudicial to public health and would not lead to the creation of a traffic hazard or obstruction of road users. The proposed development is therefore considered to be consistent with the proper planning and sustainable development of the area.



## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the Planning Authority on the 27<sup>th</sup> day of August 2015 and 08<sup>th</sup> day of June 2016 and Clarification of Further Information received by the Planning Authority on 19<sup>th</sup> day of February 2016; except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**REASON:** In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**REASON:** In the interest of public health and to ensure a proper standard of development.

3. The proposed new roof shall be finished in natural slate, similar in colour to that currently existing

**REASON:** IN the interests of clarity

4. Prior to the occupation of the proposed retail units, details of the nature of the proposed occupants shall be submitted to the planning authority for their written agreement

**REASON:** In the interests of clarity

5. Samples of proposed external signage, lighting and shopfront shall be made available to the planning authority for their written agreement prior to the commencement of any works on site.

**REASON:** In the interest of the amenities of the area/visual amenity.

6. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**REASON:** To provide for the appropriate management of waste, in the interest of protecting the environment.

7. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

**REASON:** In the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**REASON:** In the interests of public safety and residential amenity.

9. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

**REASON:** In the interest of visual amenity.

10. Prior to the commencement of any works on site, the applicants shall ascertain and comply with all requirements of the Environmental Health Officers Department

**REASON:** In the interests of public health

11. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**REASON:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

12. 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. The contribution shall be paid prior to the 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 matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**REASON:** It is a requirement of the Planning and Development Act 2000 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.

---

Lorraine Dockery  
Planning Inspector

27<sup>th</sup> October 2016