



An
Bord
Pleanála

Inspector's Report ABP-301235-18

Development	Development of a single-storey community enterprise unit (50m ²) for storage, display and sales of local artisan products at
Location	Easkey Community Grounds, Easkey, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	PL 17/481
Applicant(s)	Easkey Community Council
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Easkey Community Centre
Observer(s)	None
Date of Site Inspection	18 th June 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located within the village of Easkey, in northwest Sligo. The village is served by the regional road network, R-297, which links to the N-59, Sligo-Ballina road.
- 1.2. The site, which has a stated area of 0.633 ha, is a backland site accessed from the western side of the main street. The site subject of the appeal is within the grounds of a larger backland development comprising a Community Centre run by Easkey Community Council Limited. The site also comprises a large unmarked central area used for parking, around the perimeter of which are a small number of polytunnels, storage sheds, public recycling banks, and entrance building/access to a caravan park.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a single storey building, 5m wide x 12m long, with an overall height of 3.6m. The gross floor area of the building is stated to be 50sqm.
 - The building is identified as a community enterprise unit and it is stated it will be used for storage, display and sale of artisan products.

3.0 Planning Authority Decision

3.1. Decision

GRANTED, subject to 4 conditions, including the following:

C2: The enterprise unit to be relocated by a minimum of 3m to the south-west.

Reason: To retain the existing emergency access to a fuel tank on a private property, in the interest of public health and safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Area Engineer: No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The basis of the third party observations is largely addressed in the grounds of appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. Sligo County Development Plan 2017-2023

- Section 3.2 –Settlement hierarchy. Easky is identified as a Village Sustaining the Rural Community.
- The CDP 2017-2023 contains mini-plans for 32 settlements throughout the County, including Easky.

5.1.1. Easky Mini Plan, Sligo County Development Plan 2017-2023

- The subject site is zoned Community Facilities and is within an area identified on the maps as being influenced by the record of monuments and places.

- Section 22.2, Built Heritage and Streetscape, D: Ensure that new development within the village centre reflects and enhances the existing streetscape character in accordance the policies set out in Chapter 12 (Urban design) and the requirements of Section 13.2.4 Development in historic streetscapes (development management standards) of this Plan.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The nearest Natura sites are Killala Bay/Moy Estuary SPA (approx. 11km southwest of the appeal site) and Aughris Head SPA (approx. 11km east of the appeal site).

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal is against condition 2 and is summarised as follows:

- Condition 2 requires the building to be relocated by condition to retain an emergency access to a fuel tank in a neighbouring property. No adjacent property owner has any right to cross Easkey Community Centre lands. The council does not have the right to designate an area of the community centre property to be used as an emergency access for the benefit of an adjoining neighbour.
- The third party, Gary Cavanagh, was given a licence in the past (copy attached) to undertake building works and amend the boundary, in accordance with a permission for works to the rear of his property, ref 08426. He has no access or right to use the community centre property for any purpose and he has no rear entrance from the community centre property.
- It is proposed to reinstate a barrier at the entrance to the community centre grounds, which was removed in the past to facilitate works to the Caravan and Mobile Home site.

6.2. Planning Authority Response

No further comment.

6.3. Observations

One observation was received from Mary and Gary Cavanagh, the grounds of which is summarised as follows:

- Primary concern is safety of family and access to the fuel tank in case of a fire, and condition 2 addresses this issue. Fuel tank has always been filled through the rear of the property.
- In the event that condition 2 is removed, all the concerns as originally raised in the letter of objection submitted to Sligo County Council still applies and is attached to this observation.
- The condition was attached to address safety issues not issue of public access to the land. Best use of land should be the primary motivation for the proposed development and not the blocking of access to an existing party. It is noted that public access to the site is in existence and required for people to gain access to the community centre, recycling banks, campsite and community vegetable garden, as well as for people to access the shed from which the applicant proposes to sell local produce. There is an existing right of way through the lands.
- The development is 80cm from the boundary wall. The building will obstruct light to the back garden and into back of the house. This building stands to block the evening sun.
- Proposed development would cause issues in relation to noise levels, disturbances, lack of privacy, and a negative impact on property value. The visual impact and loss of views are also of concern.
- Proposal is not in accordance with section 22.4 of the Mini Easky Plan as it does not comply with the look of the main street of Easky and does not enhance the existing streetscape as per section 22.2.

One public representation has been made querying when a decision on the application is due.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. This is a first party appeal against planning condition 2, which states:

Prior to the commencement of development, you shall submit for the written approval of the Planning Authority, an amended site layout plan showing the enterprise unit relocated by a minimum of 3m to the south-west (ie closer to the Community Centre building).

Reason: To retain the existing emergency access to a fuel tank on a private property, in the interest of public health and safety.

7.2. Having regard to the nature of the development proposed and the condition subject of this appeal, I consider a de novo consideration of the proposal is not warranted and I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and restrict its consideration to the terms of condition no. 2. The primary issue for assessment relates to the position of the building on the site.

Zoning

7.3. The subject site is located within zoning objective Community Facilities. The objective for this zoning category is to 'protect existing facilities or retain existing uses and provide for the establishment of new/additional community and institutional uses, such as schools, community centres, health centres etc. Cemeteries, church yards, allotments, playing fields/pitches and other compatible uses will be accommodated on lands zoned for community facilities'.

7.4. An Enterprise Centre/Unit is open to consideration within this zoning objective. I consider the development as proposed to be acceptable in principle within the zoning objective for the area.

Position of Building on the Site

- 7.5. The applicant considers the rationale for the relocation of the building to be inappropriate as the council does not have the right to designate an area of their property to be used as an emergency access for the benefit of an adjoining neighbour.
- 7.6. The rear of the neighbouring property, which has given rise to condition 2, backs and sides onto the community centre lands. The observer operates from their terraced building a butcher shop at ground level, which fronts onto the main street, with the observer and his family living above/to the rear of the butcher shop. The private garden area to the rear forms a shared boundary with the community centre lands, along which the proposed building is to be located. As I observed upon site inspection, there is no pedestrian or vehicular access/right of access from the observer's property to the community centre lands.
- 7.7. The location of the proposed building along the shared boundary is approx. 0.5m-1m from the boundary with the café building site to the north. The proposed building would be approx. 0.8m from the shared boundary with the observer's property to the south/southeast. I further note that there is a separation distance of approx. 8m from the rear boundary of the observer's property and the community centre building. The proposed building has an overall height of 3.6m and is approx. 2.4m high to the eaves level with the pitched roof sloping away from the shared boundary.
- 7.8. While access to the rear of the observer's site/fuel tank is feasible at present, the observer has not demonstrated a legal right of access over the neighbouring lands and no access currently exists. While the council's reason for condition 2 is to maintain an existing emergency access, it has not been demonstrated that this is required. I do not consider that access for health and safety reasons would be hindered by this development and there would be scope for access by emergency vehicles should it be required, albeit not in a directly accessible fashion as exists at present. The relocation of the building as required by condition 2 is not, in my view, warranted and should be removed.

Appropriate Assessment

- 7.9. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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. It is recommended that condition 2 be REMOVED.

9.0 Reasons and Considerations

Having regard to the Sligo County Development Plan 2017-2023, the nature and scale of the proposed development and the pattern of development in the area, it is considered that the proposed relocation of the building on site for health and safety reasons is not required and is not in the interests of the proper planning and sustainable development of the area. The development as proposed is considered acceptable. Condition 2 should be REMOVED.

Una O'Neill
Senior Planning Inspector

25th July 2018