



An
Bord
Pleanála

Inspector's Report ABP-302026-18

Development	A canopy structure to cover existing ambulance parking / charging bays, a proposed ambulance wash bay and ancillary site works.
Location	Loughlinstown Ambulance Base, Dublin Road, Shankill, Loughlinstown, Dublin 18.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0898
Applicant(s)	The Health Service Executive
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	Third Party v. Decision
Appellant(s)	Carol Scott & Others Marcus Wren
Observer(s)	None.
Date of Site Inspection	30 th October, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located along Dublin Road in the suburb of Loughlinstown, approximately 200m southeast of the Loughlinstown Roundabout and 1km north-northwest of Shankill Village, in a primarily residential area where the surrounding pattern of development is predominantly characterised by conventional housing construction. It has a stated site area of 0.28 hectares, is irregularly shaped, and is presently occupied by the Loughlinstown Ambulance Base. This existing operation comprises a single storey building with staff parking to the front and an enclosed rear yard which provides for the parking and charging of ambulances in addition to a power-washing area. The yard area adjoins the rear gardens of neighbouring dwelling houses within Seaview Park to the southeast with the intervening boundary defined by a low wall with timber panel fencing erected atop same. The northern side of yard is bounded by a high blockwork wall and mature hedging with a single storey bungalow located beyond same on slightly more elevated lands overlooking the yard area.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the following:

- The erection of a steel-framed, open-sided, canopy structure (floor area: 184m²) to provide cover to 6 No. ambulance parking / charging bays and a proposed wash-bay.

The overall height of the proposed canopy will extend to a maximum of 4.91m whilst the structure itself will be roofed with corrugated metal sheeting.

- The installation of a new ambulance wash-bay (as a replacement for an existing wash-area on site).
- Associated site development works, including the installation of an underground rainwater harvesting tank within the proposed wash-bay.

2.2. In response to a request for further information, amended proposals were submitted which detailed the omission of that element of the proposed canopy structure which was to have extended over the ambulance wash-bay, the relocation of the rainwater

harvesting tank to a position outside of the proposed wash-bay, and the provision of a 3m high polycarbonate surround to three sides of the wash-bay.

2.3. The proposed development will avail of existing connections to on-site services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 20th June, 2018 the Planning Authority issued a split decision in respect of the proposed development as follows:

- To **GRANT** permission for *'the canopy structure to cover the existing ambulance parking / charging bays'*, subject to 2 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Refers to external finishes.

- To **REFUSE** permission for the *'ambulance wash bay'* for the following single reason:
 - The power washing machine that would be associated with the proposed ambulance wash bay, due to its location, and the potential for unmitigated noise impacts that may arise from same, is likely to have a serious negative impact on the residential amenity of the adjoining properties to the north and east of the site. In this regard, the Applicant has not provided sufficient information, as requested, to satisfy the Planning Authority that the proposed ambulance wash bay would not have a serious negative impact on the residential amenity of adjoining properties. As such, the ambulance wash bay as proposed would be contrary to the Objective 'A' zoning of the site, to protect and / or improve residential amenity. The said development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report stated that as the original grant of permission for PA Ref. No. 85A/827 approved a total of 13 No. ambulance bays and a vehicle washing facility to the rear of the site, the subject proposal to provide for 9 No. ambulance bays and the relocation of the existing wash-bay to a position alongside the eastern site boundary would not give rise to any intensification of the previously permitted use. It was also noted that the existing use of the site is already restricted by Condition Nos. 7, 8 & 9 of PA Ref. No. 85A/827. The report subsequently considered the potential impact of the proposed development on the residential amenity of adjacent property and proceeded to recommend that the canopy over the proposed wash-bay be omitted in order to reduce its visual impact (when viewed from an adjacent bungalow to the north of the site) whilst further details should be sought in respect of a number of items, with particular reference to the location, design and noise level of any power-washing machine as well as any measures proposed to mitigate the noise impact of same and the potential for water spray entering neighbouring properties.

Following the receipt of a response to a request for further information, a final report was prepared which stated that as the applicant had failed to submit sufficient details of the proposed power washing machine (and any measures intended to mitigate the impact of same), it would be inappropriate for the Planning Authority to permit the siting of the new wash-bay in a position closer to neighbouring housing due to the potential unmitigated noise impact of same. However, it was accepted that the proposal to erect a 3m high polycarbonate screen along three sides of the wash-bay would serve to substantially reduce the impact of any water spray on adjacent properties. It was also emphasised that any grant of permission for the subject proposal was not to be construed as authorising any development the nature or extent of which had not been adequately referenced in the public notices or which had already been carried out without the benefit of planning permission. The report subsequently concluded by recommending a split decision whereby permission was to be granted for the canopy structure (as amended) over the ambulance bays with the relocation of the wash-bay to be refused permission on the basis that the

potentially unmitigated noise emissions associated with same would have a detrimental impact on the residential amenity of adjoining properties.

3.2.2. Other Technical Reports:

Transportation Planning: An initial report stated that there was no objection to the proposed development, subject to conditions, including a requirement for the applicant to submit an Environmental Noise Assessment detailing any noise mitigation measures to be put in place in order to alleviate any impacts arising from the operation of the proposed wash bay.

However, following the receipt of a response to a request for further information, a subsequent report recommended that clarification be sought with regard to the operation of the proposed wash bay (including the noise levels and hours of use) and any mitigation measures recommended by a competent noise expert.

Drainage Planning (Municipal Services Department): An initial report recommended that further information be sought with regard to the drainage of the proposed wash bay. It was also suggested that the rainwater harvesting tank should be relocated in order to avoid any in-flow of washwater and that details of the entry and outflow pipes be provided.

Following the receipt of a response to a request for further information, a final report was prepared which stated that there was no objection to the proposed development, subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A total of 14 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on residential amenity by reason of noise, nuisance, disturbance, fumes, smells / odours, overspray, and light pollution etc.
- Devaluation of property.

- The intensification of use / hours of operation / increased level of activity on site.
- The existing & proposed developments are unsuited to this quiet residential area and are comparable to a 'light industrial' use.
- The proposed development will materially contravene the land use zoning objective which seeks '*to protect and / or improve residential amenity*'.
- Non-compliance with the terms and conditions of the original grant of planning permission issued under PA Ref. No. 85A/827.
- The exacerbation / consolidation of the on site activities beyond those permitted under PA Ref. No. 85A/827.
- Negative visual impact / unappealing, unsightly and overbearing appearance.
- Concerns with regard to the potential for storm damage considering the nature / stability of the proposed canopy.
- The overshadowing of adjacent property.
- Existing drainage services in the area may be incapable of accommodating the demands of the proposed washing facility.
- There is a risk of runoff from the proposed wash-bay pooling alongside the shared boundary wall.
- Health and safety concerns as regards the handling of waste material on site (including chemical disinfectants and medical waste).
- The installation of charging points along the shared boundary.
- The potential for damage to the existing boundary wall and / or fencing.

4.0 Planning History

4.1. On Site:

PA Ref. No. 85A/827. Was granted on 29th November, 1985 permitting Mr. G. Brennan, Technical Services Board, Eastern Health Board, permission for the conversion of a Good Year Tyre premises to use as an ambulance base.

4.2. On Adjacent Sites:

PA Ref. No. D03A/0096 / ABP Ref. No. PL06D.202482. Was refused on appeal on 12th August, 2003 refusing James Heery permission for the construction of 6 No. two bedroom apartments in two and three-storey blocks, 9 No. car parking spaces, private open space to rear and boundary treatment to perimeter of site, at junction of Seaview Park and Dublin Road, Shankill, Co. Dublin.

PA Ref. No. D03A/0945 / ABP Ref. No. PL06D.206722. Was granted on appeal on 30th July, 2004 permitting Jimmy Heery permission for the construction of two-storey terrace development comprising 1 No. three bedroom house and 4 No. three bedroom apartments, subdivision of site to provide separate garden to house, 6 No. car parking spaces to front of apartments, private open space to rear, associated site works and boundary treatment to perimeter of site, at junction of Seaview Park and Dublin Road, Shankill, Co. Dublin.

PA Ref. No. D04A/0934. Was granted on 12th October, 2004 permitting Jimmy Heery permission for 4 No. two storey, 3 bed, semi-detached dwellings, sub-division of site to provide separate front and rear gardens, car parking to front, associated site works and boundary treatment. All at junction of Seaview Park & Dublin Road, Shankill, Co. Dublin.

PA Ref. No. D07A/0248 / ABP Ref. No. PL06D.223415. Was refused on appeal on 17th September, 2007 refusing Taney Developments Limited permission for the construction of 2 No. two-storey four bedroom houses with developed attic space including related boundary walls and drainage at the corner of Dublin Road/Seaview Park, Shankill, Dublin.

PA Ref. No. D08A/0162 / ABP Ref. No. PL06D.229014. Was refused on appeal on 28th November, 2008 refusing Taney Developments Limited permission for the erection of 2 No. semi-detached houses comprising 1 No. two-storey four bedroom house with developed attic space and 1 No. two-storey three bedroom house, including related boundary walls at corner of Dublin Road/Seaview Park, Shankill, Co. Dublin.

PA Ref. No. D11A/0179 / ABP Ref. No. PL06D.239187. Was refused on appeal on 28th October, 2011 refusing Taney Developments Limited permission for the construction of a mixed use development comprising of a two-storey element and a

three-storey element with top floor in developed roof space, to include the following: a pharmacy and retail unit at ground floor level; with general practice clinic, laser and skincare clinic, dental clinic, physio consulting rooms and veterinary clinic on the upper floors and all associated site services, site works, car parking and boundary treatments, on a site at the corner of Dublin Road and Seaview Park, Shankill, Co. Dublin, for the following single reason:

- Having regard to the location of the proposed development at a prominent position along the main approach road to Shankill Village, and to the scale and height of the proposed building and its proximity to the public road, it is considered that the proposed structure would be visually incongruous at this location. Notwithstanding the reduction in the width of the proposed building and the omission of a section of the first floor, the proposed development would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D12A/0519 / ABP Ref. No. PL06D.241751. Was granted on appeal on 23rd July, 2013 permitting Orchid Homes Limited permission for the construction of (1) two number 193 square metres two-storey detached five bedroom dwellings with habitable accommodation in the roof/attic space, roof lights and solar panels with vehicular and pedestrian access via access road of the Dublin Road, and (2) two number, 145.4 square metres two-storey semi-detached four bedroom dwellings with habitable accommodation in the roof/attic space, roof lights, solar panels and semi car port area to the front/south facing elevation, with vehicular and pedestrian access via Seaview Park estate, together with drainage connection to local mains and other site development works at Seaview Park, Dublin Road, Shankill, Co. Dublin.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 7: Community Strategy:

Section 7.1: Social Infrastructure and Community Development:

Policy SIC10: Health Care Facilities:

It is Council policy to support the Health Service Executive and other statutory and voluntary agencies in the provision of appropriate healthcare facilities - including the system of hospital care and the provision of community-based primary care facilities, mental health and wellbeing facilities. It is Council policy to encourage the integration of appropriate healthcare facilities within new and existing communities.

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.12: Community Support Facilities

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.6km east-northeast of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 4.25km northeast of the site.
- The Ballyman Glen Special Area of Conservation (Site Code: 000713), approximately 4.4km south-southwest of the site.
- The Knocksink Wood Special Area of Conservation (Site Code: 000725), approximately 5.7km southeast of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Carol Scott & Others:

- The decision to refuse permission for the proposed ambulance wash-bay is welcomed by the appellants on the basis that such a development would be contrary to the land use zoning objective which seeks to protect and / or improve residential amenity.
- The proposed canopy would constitute a material contravention of the applicable land use zoning and would give rise to a further intensification of the industrial activities conducted on site.
- The terms and conditions of the original grant of permission (PA Ref. No. 85A/827) have been ignored by the existing centre and have not been enforced by the Local Authority whilst there has also been an intensification of activity on site. In addition, particularly noisy and intrusive maintenance and repair works have been carried out on site.
- Wires and cabling have been illegally erected on site and affixed to the appellants' boundary wall.
- Lighting has been installed on site which intrudes on the residential amenity of the appellants' properties.
- Having regard to the size and construction of the proposed canopy structure, it is considered to be more suited to an area such as the Stillorgan / Sandyford industrial estate wherein it is the land use zoning objective to provide for economic development and employment.
- The corrugated roofing of the proposed canopy structure is unattractive and will result in unwelcome noise during periods of rainfall.
- The report of the case planner acknowledges that the proposed canopy will have a seriously negative impact on the visual amenity of the bungalow to the north of the site and this will not be alleviated by the proposal to remove the roofed section over the area where the wash bay was to have been placed.

- The determination by the Planning Authority that the visual impact of the proposed canopy on Nos. 3 & 4 Seaview Park would not be significant given the height of the intervening boundary wall and the separation distance from the dwelling houses would suggest that the boundary has been perceived as comprising a solid structure. By way of clarity, it should be noted that the boundary in question is defined by a low block wall with concrete pillars from which lightweight plywood panels have been affixed and, therefore, there is a gap between the wall and the fence. Moreover, these panels are not sturdy and have previously suffered storm damage whilst the spacing between same allows the wind to pass through and affords glimpses of the ambulances.
- Although the boundary fencing was originally erected by the ambulance base in response to the concerns of local residents, it has since been replaced and is now maintained by the residents themselves.
- Due to the height of the proposed canopy and the potential for additional lighting, it is not considered to be an appropriate construction within this residential area.
- The need for the proposed canopy is questioned given that the existing facility has operated successfully for many years in the absence of same.
- There are concerns that the proposed canopy will set a precedent for further development on site.
- The Planning and Development Regulations, 2001, as amended, state that any light industrial building within a residential area must not be detrimental by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, however, the existing operation does not accord with same.
- The proposed canopy will serve to exacerbate the noise nuisance associated with the current on-site activities.
- The proposed development would result in the devaluation of neighbouring property.

6.1.2. Marcus Wren:

- By way of background, the Board is advised that the site in question is presently used as an ambulance base by the public health service and that its

functions include the ongoing maintenance of ambulances for the Health Service Executive. However, over the last number of years the level of activity on site has intensified and thus there are growing concerns as regards noise, fumes, drainage, and the disposal of effluent and other waste materials. In this respect it is submitted that the existing site usage amounts to a 'light industrial' operation which the subject proposal seeks to extend. In addition, the extent of the site has been reduced over the years through the construction of new housing, including Seaview Gate etc.

Accordingly, as the site operations have become more constrained, they are increasingly at odds with the amenity of neighbouring residences e.g. the sounds and odours arising from the vehicle washing encroaches on adjacent homes whilst the noise from rainfall on the proposed canopy structure will disturb local residents during night-time hours. Therefore, the subject proposal would have a further detrimental impact on the residential amenity of Seaview Park and thus a halt should be called on this incompatible use.

- The Planning Authority should have refused permission for the entirety of the proposed development as the conditions imposed will not satisfactorily address the concerns of local residents. For example, the colour of the proposed canopy will make little difference to its offending presence.
- The proposed development is contrary to the applicable land use zoning objective which seeks to protect and / or improve residential amenity.
- The existing ambulance base was originally granted permission in January, 1986 pursuant to PA Ref. No. 85A/827. In this respect the Board is advised that a number of conditions were attached to that grant of permission including a requirement that ambulances on standby duty be parked to the front of the building at night whilst the area to the rear of the site was to be used for the parking of ambulances only with no vehicle maintenance other than washing.
- The expansion and intensification of the on-site activities over the years has had a detrimental and intrusive impact on the residential amenity of neighbouring housing within Seaview Park.

- The original grant of planning permission was intended to accommodate a low-level, daytime activity that would be quiet and non-intrusive with the operations concentrated to the front of the property, however, that pattern of use has been materially altered with a gradual encroachment towards the rear of housing within Seaview Park.
- Having regard to the relevant land use zoning, it is considered that there is no scope for the further intensification of the existing non-conforming use on site without excessively impacting on adjacent housing (as evidenced by the conditions originally imposed in respect of PA Ref. No. 85A/827). In this regard it should be noted that Condition No. 7 of PA Ref. No. 85A/827 confined night-time parking to the front of the site, Condition No. 9 forbade the sounding of vehicle horns or sirens, and Condition No. 10 prohibited any use of a public address system, bell or alarm. Those constraints were imposed to ensure a low-level and low intensity pattern of usage, however, the subsequent intensification of use has exceeded the intention of the founding permission and the subject proposal will serve to confirm same.
- The site context has changed since the original grant of permission for the ambulance base in that the Dublin Road was downgraded after the relocation of the N11 further west with the result that it is now a quieter road which must take account of the land use zoning i.e. 'To protect and-or improve residential amenity'. The improved levels of amenity arising from the re-positioning of the N11 National Road cannot now be dissipated by allowing further activities which will give rise to additional disturbance.
- The proposed development would serve to extend an existing non-conforming use.
- The size, purpose, position and height of the proposed canopy would intrude to an excessive degree on the amenity of Seaview Park. It would give rise to a material change of use and would have a detrimental impact on the residential amenity of neighbouring properties.
- There are concerns that the proposed development will undermine the structural integrity of the boundary fence with Seaview Park. In addition, there

is unease amongst local residents that stormy weather could give rise to the canopy structure posing a hazard for neighbouring properties.

- The siting of charging points in an elevated position alongside the site boundary could pose a safety risk to children.
- Whilst the boundary fencing was originally built by the applicant, it was replaced later and has been maintained since by the residents of Seaview Park. Accordingly, questions may arise as regards adequate property title.
- Since the original grant of permission, a very high proportion of the site has been given over to new housing development. Accordingly, the area available for ambulance operations has been halved giving rise to greater congestion and a concentration of disturbance / noise to the rear of the property. This change in circumstances has not been conducive to compliance with the conditions of the founding permission and instead on-site operations have been pushed increasingly towards Seaview Park.
- There has been a material change of use on site and the subject proposal should be described as comprising a 'light industrial' use. In this regard, the Board is referred to the definition set out in Article 5 of the Planning and Development Regulations, 2001, as amended, which states that a light industrial building within a residential area must not be detrimental by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- The presence of multiple pipes / charging points along the boundary wall with Seaview Park confirms the excessive intensity of light industrial activity on site.
- The proposed development would result in a further deterioration in the residential amenity of those properties within Seaview Park.
- The proposed canopy is too high and excessively close to neighbouring housing.
- The gap between the proposed canopy and the boundary fence would likely result in waste material / by-products (including vehicle exhaust fumes and detergent etc.) being cast over the fencing into neighbouring gardens.

- The loss of residential amenity consequent on the proposed development would result in the devaluation of adjacent properties.

6.2. Applicant Response

None.

6.3. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on residential amenity
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

- 7.2.1. Having regard to the nature and scale of the proposed development, the planning history of the site (with particular reference to PA Ref. No. 85A/827), and the existing / historical use of the property as an ambulance base, in my opinion, the subject proposal represents a complementary and ancillary consolidation of the established use and would make a positive contribution to the continued operation of same which would be of benefit to the wider community. Therefore, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties.
- 7.2.2. Whilst I would acknowledge that concerns have been raised in the grounds of appeal that the proposed development could give rise to an intensification of use on site, it is apparent from a review of the submitted plans and particulars that the subject proposal will result in the rear yard area of the application site accommodating the parking / charging of fewer ambulances than was originally approved under PA Ref. No. 85A/827. In this respect I would advise the Board that the proposed canopy structure will cover a series of 6 No. ambulance bays (with a further 3 No. parking bays located alongside the northern site boundary to remain unaltered) whereas the site layout plan approved under PA Ref. No. 85A/827 clearly authorised a total of 13 No. ambulance parking bays within the wider yard area. Furthermore, in considering the proposal to provide a new ambulance washing bay on site, cognisance must be taken of the fact that the development of the original ambulance base pursuant to PA Ref. No. 85A/827 included for the construction of a dedicated concrete slab for vehicle washing within the existing yard whilst Condition No. 8 of that grant of permission permitted the washing of vehicles within that area to the rear of the building. Accordingly, I would concur with the assessment by the Planning Authority that the proposed works in themselves will not give rise to any increased level of activity or intensification of use over that previously approved under PA Ref. No. 85A/827.
- 7.2.3. With regard to the suggestion that there has already been such an intensification of activity on site as to impact on the amenities of neighbouring property and that the operation of the existing facility has continually failed to adhere to the terms and conditions of the original grant of permission (PA Ref. No. 85A/827) as regards the

parking of vehicles and the carrying out of precluded activities such as vehicle maintenance and repair works etc., in my opinion, the determination of the materiality of any intensification / change of use is a matter for the Planning Authority in the first instance whilst it should also be noted that the Board has no function in respect of issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority.

7.3. **Overall Design and Layout / Visual Impact:**

- 7.3.1. The proposed development, as initially submitted to the Planning Authority, consists of the erection of a steel-framed, open-sided, canopy structure alongside the south-eastern site boundary which will incorporate a mono-pitched roof construction extending from 3.535m to 4.91m in height finished in corrugated metal sheeting. In this respect it is notable that the lower side of the proposed canopy will be sited along the existing blockwork wall and timber panel fencing which serves as the intervening boundary treatment between the application site and the rear garden areas of the neighbouring dwelling houses within Seaview Park. Moreover, the lower side of the proposed construction will extend to a height of 835mm above the existing boundary.
- 7.3.2. Whilst I would concede that the overall construction of the proposed canopy structure is perhaps somewhat commercial / industrial in appearance, it will be sited to the rear of the existing facility and behind neighbouring housing and thus will not be overtly visible from any public area. Furthermore, although the uppermost part of the proposed canopy will be visible from within the rear garden areas of several of the adjacent dwelling houses, I am unconvinced that the visual impact consequent on same is of such significance as to have a detrimental impact on the residential amenity of those properties. In support of the foregoing, I would draw the Board's attention to the separation distance of c. 18-20m between the proposed canopy and the rear elevations of Nos. 3 & 4 Seaview Park in addition to the overall height of the intervening boundary treatment which will serve to screen a significant proportion of the construction. Similarly, with regard to the single storey bungalow to the immediate north of the site, given the orientation of the proposed canopy relative to that property, the separation distances involved, the intervening boundary treatment, and the change in ground levels between that dwelling house and the application site, I am satisfied that the visual impact of the proposal when viewed from that

property is within tolerable limits and will not give rise to any significant loss of amenity (*N.B.* In the event that the Board does not agree with the foregoing, consideration should be given to the omission of that element of the canopy structure which is intended to extend over the proposed ambulance wash-bay as per the revised details submitted by the applicant on 25th May, 2018).

7.4. **Impact on Residential Amenity:**

- 7.4.1. With regard to the potential impact of the proposed development on the residential amenity of adjacent properties, it should be noted at the outset that the operation of the existing ambulance base is subject to the terms and conditions of the grant of permission issued for PA Ref. No. 85A/827 and in this respect I would reiterate that the Board has no function in respect of enforcement and that the investigation of matters such as non-compliance or unauthorised development is generally the responsibility of the Planning Authority. Accordingly, I do not propose to comment on the allegations contained in the grounds of appeal as regards instances of non-compliance with the terms and conditions of PA Ref. No. 85A/827 and will instead focus my assessment on the implications, if any, of the subject proposal for the residential amenity of neighbouring properties.
- 7.4.2. In relation to the proposed canopy, it is of relevance in the first instance to note that this part of the rear yard is already used for the parking of ambulances pursuant to PA Ref. No. 85A/827 and thus the proposal will not in itself give rise to any change in the day-to-day use of the area in question. Secondly, the new construction will provide cover for a series of 6 No. ambulance bays and thus will result in fewer parking bays than was originally approved on site with the result that the intensity of activity in this part of the yard will be reduced accordingly. Therefore, given the nature and usage of the proposed canopy, I am satisfied that it will not result in any increase in the overall level of activity on site that could potentially be held to be detrimental to the amenity of adjacent housing.
- 7.4.3. In respect of the proposal to construct a new ambulance wash-bay alongside the south-eastern site boundary, it should be noted that the washing of vehicles is already permitted within the rear yard pursuant to PA Ref. No. 85A/827 whilst there is an existing power-washing operation in place within the north-western corner of the yard alongside the main base building. Notably, other than the reference

contained in Condition No. 8 of PA Ref. No. 85A/827 that the vehicle washing activities are to be limited to the rear of the site (in accordance with the approved plans and particulars), the terms and conditions of that grant of permission do not impose any limitations as regards the operation of the wash-area e.g. there is no restriction imposed as regards its hours of operation or any requirement for the mitigation of noise levels emanating from same.

- 7.4.4. The subject proposal effectively provides for the relocation of the existing vehicle washing area to a position to the rear of Seaview Park. In this regard it should be noted that whilst the new wash-bay will be positioned closer to neighbouring housing, the initial proposal was to extend the canopy over the wash-bay in order to provide for some level of enclosure and to mitigate the potential impact of overspray / waterspray on adjacent properties (*N.B.* The amended proposals submitted in response to the request for further information have omitted the canopy over the wash-bay and replaced it with a 3m high, three-sided, polycarbonate surround). In its assessment of the application, the Planning Authority sought the omission of the canopy over the wash-bay due to its visual impact when viewed from the bungalow to the north, however, it was subsequently satisfied that the proposed screening arrangement would serve to substantially reduce the potential impact of waterspray.
- 7.4.5. On balance, it is my opinion that whilst the proposed development will result in the relocation of the vehicle washing activities closer to existing housing within Seaview Park, the subject proposal has included for sufficient measures to mitigate against the potential impact of water spray on the residential amenity of neighbouring properties. The provision of 3m high screening to three sides of the wash-bay will serve to limit any loss of waterspray, although the Board may wish to consider extending the proposed canopy construction over the bay thereby providing for the further enclosure of the washing activities. In addition to the foregoing, I would suggest that the subject application represents an opportunity to introduce greater control over the washing activities conducted on site (when compared to PA Ref. No. 85A/827) through the imposition of suitable conditions e.g. placing a limitation on the hours of operation. Furthermore, in relation to the potential noise impact arising from the use of a power-washer on site, whilst I would acknowledge the Planning Authority's concerns in this regard, I would reiterate that the washing of vehicles within the rear yard is already authorised under PA Ref. No. 85A/827 and that no

controls as regards noise emissions were imposed on same. Accordingly, I am inclined to suggest that it is reasonable to permit the proposed relocation of the wash-bay, subject to the imposition of suitable conditions placing a limitation on the hours of operation and noise levels.

7.4.6. In respect of the outstanding concerns raised in the grounds of appeal, I am unconvinced that the noise levels arising from rainfall on the proposed canopy will be of such significance as to give rise to a loss of residential amenity.

7.4.7. In relation to the potential for additional lighting to impinge on neighbouring residences, I would suggest that such concerns can be satisfactorily addressed by way of condition.

7.5. **Appropriate Assessment:**

7.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site

7.6. **Environmental Impact Assessment (Screening):**

7.6.1. Having regard to the nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be amended in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the proposed development, the pattern of development in the area, and the planning history and existing use of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance 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 the further plans and particulars submitted on the 25th day of May, 2018, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

Reason: In the interest of the visual amenities of the area.

4. The ambulance wash unit shall only be used between 08:00 hours and 18:00 hours, seven days per week.

Reason: In the interest of the residential amenity of property in the vicinity.

5. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling, shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) during the period 0800 to 1800 hours Monday to Saturday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. Any additional lighting used within the site curtilage shall be directed and cowed so as not to interfere with adjoining residential properties.

Reason: In the interest of residential amenity.

Robert Speer
Planning Inspector

7th November, 2018