



An
Bord
Pleanála

Inspector's Report ABP-303716-19

Development	Change of use to a day care service unit & drop in centre.
Location	"Shalom House", St Mary's Place, Athlone, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	187218
Applicant(s)	St. Hilda's Services.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Michael McDonnell.
Observer(s)	Raymond Gillespie, Liz Fletcher and Catherine Fletcher.
Date of Site Inspection	7 th May 2019
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The appeal site lies to the east of Athlone town centre, on the western side of St. Mary's Place. To the north of the site land uses are mostly residential and to the south there is a mix of residential and commercial land uses.
- 1.2. The appeal site comprises a single storey residential property with a narrow side yard (to the north) and steps, to the rear, down to a rectangular garden. Vehicular access to the rear of the property is from a gated, narrow laneway to the north of the site. The laneway also provides access to the rear of a small number of properties along St. Mary's Place, to 5 garages to the rear of the residential properties and to the rear of properties along the R446 (Sean Costello Street).

2.0 Proposed Development

- 2.1. The proposed development comprises the change of use from residential to a day care service unit and drop in centre (c.89.4sqm), together with minor internal changes to the building, demolition of rear shed, construction of external ramps, external patio, fence and boiler house, all to rear of the property. The plans for the development indicate gravelled car parking, for two cars, to the rear of the property.
- 2.2. Unsolicited further information was submitted by the applicant on 17th and 21st January 2019. It clarified the use of the property, as follows:
 - The house will be used by adults with mild/moderate learning difficulties to facilitate community inclusion, learning of activities and social skills development (2.5 staff and up to 10 clients, with an average of 8 services users on any day). It will provide a meeting point/drop in for support to access services in the town. Individuals will travel to and from by car, by foot or be dropped off by a family member.
 - The proposed car park to the rear, is not for public use. It will allow a maximum of 2 cars to park during the day, for employees only. The applicant wishes to reduce maintenance to the rear of the property and maximise the use of the space provided. There should be no increase to use of the laneway beyond average vehicle use of the property. Employees use their

vehicles for work, and the provision of a driveway is for contingency/aesthetic /maintenance only, as well as for the services on a needs basis.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 21st January 2019, the planning authority granted permission for the development, subject to 3 conditions. Two are standard, the third states that the permission relates exclusively to the change of use from residential to a day care service unit and drop in centre with minor internal changes to building, demolition of rear shed etc. and does not relate to the remainder of the building or the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 21st January 2019 – Refers to the planning history of the site, the application made, unsolicited further information, submissions by third parties and technical reports. It considers the merits of the development in the context of policy for the zoning of the site, social and community development and community facilities. It considers that (i) the change of use is consistent with the zoning policy of the Athlone Town Development Plan and would not impact on the amenities of adjoining residents, (ii) the demolition of the rear shed, minor internal and external changes to the building are acceptable, (iii) there is no objection to the resurfacing of the rear of the plot for two parking spaces and for ease of maintenance. Existing laneway serves to accommodate the rear of the existing residential units, including Shalom House. Two existing parking spaces referred to (in submissions – see below) are not authorised and do not benefit from permission. Engineer raises no objection to development. Existing access to rear garden and provision of two parking spaces is acceptable.
- Recommends permission subject to conditions.

3.2.2. Other Technical Reports

- Area Engineer (9th January 2019) – No objections.

- Fire Officer (18th December 2018) – No objections.

3.3. Prescribed Bodies

- HSE (2nd January 2019) – No objections subject to conditions.

3.4. Third Party Observations

3.4.1. There several third-party submissions on file raising the following issues:

- Object to non-residential use of laneway.
- Development would increase vehicular traffic on the laneway and raise road safety issues (narrow lane).
- There are two parking spots outside of resident's back garden walls. Vital as cannot park to front of homes. No room for additional cars to rear of 'Shalom House' or room for parked vehicles to turn. Garage doors need to be kept clear from parking at all times.
- Car park and gate to premises are not shown in drawings.

4.0 Planning History

- No relevant planning history.

5.0 Policy and Context

5.1. Athlone Town Development Plan 2014 to 2020

- 5.1.1. The appeal site falls within land zoned for 'existing residential' in the current Athlone Town Development Plan. The zoning of the site provides for residential development, associated services and to improve residential amenity and community services are permitted in principle. Land to the south is zoned 'mixed use'. The site also falls within the St. Mary's Place Architectural Conservation Area.
- 5.1.2. Urban design policies are set out in section 5.5 of the Plan. It recognises the good variety of residential development in the town and the importance of retaining '*this strong residential base within the town centre*'. Within this context, the plan seeks to

protect residential amenity from the undue encroachment of commercial uses within the town centre (Policy P-DU6).

- 5.1.3. Policies in respect of social and community development seek to promote access to community facilities and employment opportunities for the most disadvantaged, including people with special needs (policy P-SI 1) and contribute to the creation of a more socially inclusive society by providing appropriate community infrastructure and improving access to resources (O-SI 3). Policies for community facilities seek to locate facilities and services in local centres or where easily accessible.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site lies c.700m to the north west of the nearest sites designated for nature conservation the River Shannon Callows pNHA and SAC and the Middle Shannon Callows SPA.

5.3. EIA Screening

- 5.3.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition). However, it is not of a scale likely to give rise to significant environmental effects to warrant environmental impact assessment (Class 10, Part 2, Schedule 5, P&D Regulations, 2001 (as amended), urban development).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Grounds of the third-party appeal are:

- Traffic hazard – Commercial use would create a traffic hazard. Narrow entrance would require vehicle traveling from the south to cross white line in centre of road to navigate entrance. Poor sightlines on exiting laneway onto public road, narrow pavement and pillars on each side of laneway, require cars to edge out. Limited sightline to north is made worse with on-street parking associated with use of Church at the top of the road. Capacity of laneway is limited and should remain so. Entrance gate is fitted with a warning light to alert pedestrians that the gate is opening.

- Inappropriate use of the laneway by commercial development - Established use of the gated laneway is for residential parking only and is currently very limited. Most of the 8 residences use the garages for storage and infrequent deliveries. Four use the lane for parking, with two having rear access to their gardens, with plenty of room to turn within the confines of their site. Two of the houses use the area to the front of the garages for parking, as no other location is available, either on-street or within the lane. These narrow the laneway to c.3.5m in width. If cars are parked here, it would compromise access to the rear garden and necessitate reversing manoeuvres compromising the safety of the lane. The development, would set a precedent for the use of the lane in the future by commercial units associated with business along Sean McDermott Street that have historic gated access to the laneway.
- Security - Commercial use of the laneway would compromise the security of the lane. Access to the laneway is controlled by keypad and security code. With use by employees, use of code will be shared and security compromised. There is no reason why parking cannot be accommodated to the front of the site.
- Principle/residential amenity - Appropriateness of introducing a non-residential use into an established urban street. St. Mary's Place is a zoned existing residential street in the Athlone Development Plan 2014 to 2020. It is a purely residential street in an urban context and within an Architectural Conservation Area. The proposed development is non-residential and conflicts with section 5.9.1 and Policy P-DU6 of the Plan. There are a number of vacant buildings within the urban core which could be utilised for the proposed use.

6.2. Applicant Response

6.2.1. The applicant responds to the appeal, as follows:

- Shalom House was constructed in c.1960 as a residential property. For the last 30 years it was used as a meeting place and counselling facility for crisis pregnancies. The property was acquired by the applicant in 2018 and

sought planning permission to regularise the use of the property. The property will continue to be used to provide support services (but for those with an intellectual disability). The applicant will not be operating a commercial service as it is a voluntary body. The property will be used as a day care service and drop in centre, with no overnight stays.

- Parking to the rear of the property is for staff members using their own private cars, working at the facility, with a maximum 3 members using the proposed car parking area, as on street parking is very limited in the town. Neither clients or family members would not have access to the car park.
- Increase in traffic volume would not be excessive or sufficient to cause a traffic hazard.
- Issues in relation to security of the laneway could be overcome by controlling use of the fob operating the gateway (e.g. with staff leaving the organisation returning the fob to the service manager).
- Notwithstanding the above, the applicant would be willing to drop their request for use of rear garden as a parking area, but would maintain their right to use the access laneway for access to the site through the back gate e.g. for grass cutting/oil deliveries etc.
- A need has been identified for the proposed service in the area, to increase inclusion and access to services and facilities. The applicant aims to provide access to these via the proposed development. It is not a commercial service, but a community one.

6.3. Planning Authority Response

6.3.1. None.

6.4. Observations

6.4.1. Observations on the appeal are made by residents of St. Mary's Place. They support the appeal made and make the additional comments on the proposed development:

- Past residents of the appeal site have never parked in the back garden of the property. The double gate at the entrance to the property provided on-site parking. There is room for two vehicles in the area to the side of the house.
- The laneway is not designed for commercial use and acts as a right of necessity to the back gardens.
- If granted permission, it would not be possible to police access to the laneway or control the number of staff vehicles using it.

6.5. Further Responses

- None.

7.0 Assessment

7.1. Having regard to the submission on file and my inspection of the appeal site, the key matters raised in this appeal relate to, and can be confined to, the following:

- Principle.
- Impact on traffic hazard.
- Security.
- Impact on residential amenity.

7.2. Principle

7.2.1. From the information on file it is evident that the proposed development provides voluntary services to those with an intellectual disability. I would consider it, therefore, to be a community service and not a commercial use.

7.2.2. The appeal site lies within Athlone Town centre. Policies of the Athlone Town Development Plan 2014 to 2020 seek to support the development of accessible community services and facilities, in particular, for the most disadvantaged.

7.2.3. The appeal site is zoned 'residential'. Zoning policies permits, in principle, community land uses within the residential zone. The proposed development, as a community service, is therefore in accordance with the policies of the Athlone Town Development Plan 2014 to 2020, subject to a more detailed assessment of effects.

7.2.4. (No significant alterations are proposed to the property, as it faces St. Mary's Place, and no urban design issues arise).

7.3. **Traffic Hazard**

7.3.1. As stated by the parties to the appeal, access to the rear of the appeal site is via a narrow, gated laneway to the north of the site. 'Shalom House' is separated from the laneway by two semi-detached residential properties. These, and 5 other residential properties facing St. Mary's Place gain access to the rear of their properties via the laneway. It also serves 5 terraced garages and the rear of properties along Sean Costello Street.

7.3.2. Having regard to my inspection of the appeal site, I would accept that the existing laneway is very narrow, with no pavements and no means for two vehicles to pass each other. Further, sightlines at the egress onto St. Mary's Place are limited due to roadside boundaries (e.g. pillars) and could be exacerbated by roadside parking.

7.3.3. At the time of site inspection there was no observed traffic using the laneway and rear gardens of the properties along St. Mary's Place were well maintained and clearly used as outdoor amenity space for the properties.

7.3.4. The applicant proposes that the rear yard of the appeal site be used for car parking for a maximum no. of 3 staff (response to the appeal). This would no doubt increase vehicle movements along the laneway, for example, at the beginning and end of the working day, and potentially movements within the day, and would, I accept, be a difficult matter to control once the principle of use had been established. Further, given the modest nature of the access lane, and inadequate sightlines at the junction of the access lane and St. Mary's Place, such an increase in vehicular movements could be substantial and would inevitably increase the frequency and complexity of traffic movements in the confined space to the rear of the residential properties and, therefore, increase the risk of traffic hazard. I would also accept that it may set an inappropriate precedent for the non-residential use of lands to the rear of Sean Costello Street for additional parking. I note that the applicant has indicated that they would be willing to forgo this aspect of the development, and for these reasons, I consider that this would be appropriate.

7.3.5. Parties to the appeal refer to the use of the yard area, to the west of the appeal site, for parking. Whilst I would acknowledge that any such parking would further reduce the capacity of the laneway for vehicles, the use may not be legitimate and therefore should not of itself prevent any reasonable use of the lane associated with adjoining properties. Parties also refer to alternative parking arrangements e.g. to the side of the property. However, this would be a matter for the applicant and given the town centre location of the development, I do not consider that it is necessary to provide on-site, off-street car parking staff.

7.4. Security

7.4.1. In principle, I would accept that any increase in use of the laneway would require greater access to the fob controlling entry to the laneway. However, if this was restricted to the same staff members (maximum 3), I do not consider that it would give rise to a significant risk to security, but I would accept that this would also be a matter that could be difficult to police.

7.5. Impact on Residential Amenity

7.5.1. As stated, the gardens to the rear of properties along St. Mary's Place are well tended and clearly used as amenity space, associated with the dwelling house. On inspection, the laneway and rear yard had a quiet and residential character. Policies of the Athlone Town Development Plan seek to safeguard residential amenity, in established areas, and specifically refer to the importance of retaining '*this strong residential base within the town centre*' and to protect residential amenity from the undue encroachment of commercial uses within the town centre.

7.5.2. As set out above, I do not accept that the proposed development is a commercial use. However, it is not a residential one and the increased use of the laneway for non-residential uses, would detract from the quiet amenity of the laneway and its overtly residential character. In this way, I consider that it would detract from the residential amenity of the area, conflict with policies of the Athlone Town Development Plan 2014 to 2020 and, again, set an inappropriate precedent for similar development arising from the commercial properties along Sean Costello Street.

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be granted, but that use of the rear garden as a car park is not permitted for the reasons set out above.

9.0 Appropriate Assessment

- 9.1. Having regard to location of the proposed development, within an established urban area, and the modest nature of the proposed development which comprises a change of use and modest building works, 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.

10.0 Reasons and Considerations

Having regard to the location of the proposed development, within the town centre of Athlone, the proposed use of the site for community services and the policies of the Athlone Town Development Plan 2014 to 2020, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to traffic hazard or seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 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>
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2.	<p>i. No staff or client car parking shall take place to the rear of the property.</p> <p>ii. Within three months of this order, details of revised arrangements for the design of the land to the property of 'Shalom House' shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of traffic safety and residential amenity.</p>
3.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any signs, symbols or advertisements to be erected on site shall be the subject of a separate application for permission to the planning authority.</p> <p>Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.</p>

Deirdre MacGabhann
 Planning Inspector

20th May 2019