



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307027-20

#### Development

Demolition of extension to the rear of Dental Surgery and proposed two storey extension to rear of existing surgery, change of use of adjoining residential building to use as dental surgery with provision of new single storey extension to the rear, link corridor between buildings, new front access door and new car park to rear.

#### Location

15 Main Street, Ballymahon, Co. Longford.

#### Planning Authority

Longford County Council

#### Planning Authority Reg. Ref.

19117

#### Applicant(s)

Francis and Nim Rodrigues.

#### Type of Application

Permission and retention.

#### Planning Authority Decision

To grant with conditions.

#### Type of Appeal

Third Party

<b>Appellant(s)</b>	Joan Furon, St. Matthews Residents Committee.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	10 <sup>th</sup> September 2020.
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

- 1.1. The 0.14ha appeal site is situated in the town of Ballymahon, County Longford. It lies on the southern side of Main Street and comprises a two storey end of terrace property, adjacent single storey residential property and rear yard. The two buildings separated by a laneway which provides access to the yard.
- 1.2. An existing dental surgery is located in the end of terrace property. To its rear is a single storey extension (proposed for demolition). At the time of site inspection works were taking place on the roof of the adjacent single storey property. The appeal site is set back from the edge of the public road, with the area in front of the buildings used for car parking. The yard, to the rear of the buildings, slopes down from the lane to the rear of the site, towards the buildings on Main Street. At the time of site inspection the yard appeared to have been cleared with top soil placed in a mound to the south of the yard.
- 1.3. To the rear of the appeal site is St. Matthew's Park, a residential estate. It is separated from the appeal site by a lane which provides the rear of the appeal site, properties on Main Street and to the rear of residential properties in St. Matthews Park.

## 2.0 Proposed Development

- 2.1. The proposed development, as revised by way of significant further information and clarification of further information received on the 24<sup>th</sup> October 2019 and 6<sup>th</sup> March 2020, comprises:
  - (i) The demolition of the existing single storey extension to the rear of the existing dental surgery (two storey end of terrace property), previously granted permission under PA ref. 07/1096,
  - (ii) Construction of a two storey, flat roof extension to the rear of the existing surgery, with maximum ridge height of 5.8m,

- (iii) Change of use of adjoining single storey residential building to a dental surgery with a new single storey, pitched roof extension to rear (maximum ridge height 5.8m)
- (iv) Provision of flat roof link corridor between buildings and new front access door,
- (v) Changes to existing floor layouts to both buildings and to relevant elevations,
- (vi) Provision of car parking area to rear for 11 no. vehicles (FFL 101.65), with access to the car park from the laneway which runs to the rear of the site via St. Matthews Park, and new boundary wall to rear of car park recessed 5m from centre of access lane,
- (vii) All associated works including reduction in size of extension to rear (to remove from lateral boundaries) and retention of ground excavation works to rear of the property to provide a patio area to the rear of the premises (FFL 99.25).

2.2. The development will be connected to the existing public water main and foul sewer. External finishes will match existing. A Daylight, Sunlight and Overshadowing Report accompany the planning application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On the 27<sup>th</sup> March 2020, the planning authority decided to grant permission for the development subject to 11 no. standard conditions including signage, external finishes, services, drainage, retention of existing tree and hedgerow species, maintenance of the public road, construction hours, lighting and development charge.

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

3.2.1. Planning Reports

- Screening Report for Appropriate Assessment (20<sup>th</sup> June 2019) – Having regard to the proximity of the nearest Natura 2000 site and the nature of the proposed development, concludes that there would be no potential for significant effects on the Natura 2000 network.
- Planning Report (21<sup>st</sup> June 2019) – The report refers to the nature, scale and form of the development and submissions and observations made. It considers that the development is consistent with the zoning of the site but raises concerns in respect of excavation works to the rear of the site, structural integrity of site boundaries, proposed elevation of car park relative to surroundings, restricted width of laneway to the rear of the site, set back of rear boundary from laneway, boundary treatment, risk of anti-social behaviour and risk of overshadowing and impacts on amenity of adjoining property from two storey rear extension. The report recommends further information on these matters.
- Planning Report (12<sup>th</sup> October 2019) – The report refers to the further information submitted and considers that the applicant has adequately addressed the matters raised, but not the requirement for a shadow impact analysis. This information is sought by way for clarification of FI.
- Planning Report (24<sup>th</sup> March 2020) – Refers to the Daylight, Sunlight and Overshadowing report submitted and considers that the development will not give rise to significant overshadowing or adversely affect the amenity of property in the vicinity of the site. The report recommends granting permission for the development subject to condition.

### 3.2.2. Other Technical Reports

- Fire (21<sup>st</sup> June 2019) – Makes recommendations in respect of Building Control Acts and associated Regulations.

### 3.3. Prescribed Bodies

- Irish Water (15<sup>th</sup> May 2019) – Require connection agreement in advance of development, with connection subject to any capacity constraints.

Subsequent report (1<sup>st</sup> November 2019) reiterates previous comments and states that the applicant shall ensure that storm/surface water arising from the new development, including new parking areas, is connected to a separate storm/surface water sewer.

### **3.4. Third Party Observations**

3.4.1. Third party observations made by the residents of St. Matthews Park raise the following concerns:

- Laneway – No right of way to site from private laneway to rear. Used by residents of the estate and Main Street to access the rear of their properties.
- Traffic safety - Increase in traffic in residential area and safety concerns for children and visually impaired resident.
- Residential amenity – Impact on privacy of existing houses nos. 1-6.
- Impact on public road - Structural integrity of recently resurfaced laneway.
- Risk of anti-social behaviour - Arising from provision of a car park.

## **4.0 Planning History**

4.1. Under PA ref. 07/1096 permission was granted by the planning authority for the change of use of No. 15 Main Street, the end of terrace two storey property that forms part of the appeal site, from residential to dental surgery.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. Ballymahon is identified in the current Longford County Development Plan 2015-2021 as a Tier 4 settlement, Local Service Town, providing local retail, social and leisure functions and local services to the wider rural hinterland. It is stated in the Plan that emphasis will be placed on the maintenance and consolidation of growth in the town in line with its position in the settlement hierarchy.

5.1.2. The appeal site is zoned 'Commercial/Residential' in the, with the objective to primarily provide for commercial/retail development with a possible element of retail development. It is stated in the Plan that it is anticipated that much of the proposed retail/commercial development in the town would take place in the existing commercial core, revitalising the centre of Ballymahon and include provision for car parking.

## 5.2. **Natural Heritage Designations**

5.2.1. The nearest European sites lie c.4.8km to the south west of the appeal site and comprise Lough Ree pNHA, SAC and SPA (site codes 000440, pNHA and SAC, and 004064 SPA). The nearest national site is the Royal Canal pNHA (site code 002103) which lies c.1km north east of the subject site.

## 5.3. **EIA Preliminary Examination**

5.3.1. Having regard to the nature and modest scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1. The third party appeal is made by the residents of St. Matthews Park. Grounds relate to health and safety concerns regarding the proposed car park to the rear of the appeal site:

- The laneway to the site provides the only entrance to the rear of adjoining terraced houses. Currently it is used for putting out bins and fuel deliveries, with no other traffic.



- Laneway is narrow, c.14ft and cars on the laneway would raise a serious safety issue with cars and pensioners frequenting the area.
- There is an alternative entry to the front of the site that could serve the development.
- There is a new car park 0.1miles (3 minutes' walk) from the surgery with spaces for 40 no. cars.
- Cars using the car park will drive onto the main road via the estate road, crossing a footpath to exit, and then pass four houses before reaching Main Street.

## 6.2. Applicant Response

6.2.1. In the interest of brevity I refer the matters raised by the applicant in response to the appeal in my assessment below.

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

- None.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, and having inspected the site, I consider the main issues in this appeal relates to the risk of traffic hazard arising from the car park element of the development to the rear of the appeal site.

7.2. As stated by the applicant in response to the appeal, the lane which would be used to provide access to the proposed car park, currently provides access to the appeal site, a small number of properties to the north of the appeal site which front onto Main Street, including Ballymahon and District Credit Union, and the rear of the residential properties in St. Matthews Park (c.26). In this regard, the applicant refers to PA ref. 06/326, where permission was granted to the Credit Union for a boundary wall and access gateway to the rear of the property.

- 7.3. The access lane is horseshoe shaped, allowing vehicles able to enter and exit from either end of the lane which wraps around the back of residential properties.
- 7.4. From inspection of the appeal site it is evident that the lane is quite narrow (c.4.5m) and infrequently used and poorly surfaced. Further, vehicles accessing the lane have to cross the pedestrian pavement which runs along the northern side of the public road to enter the lane.
- 7.5. The proposed car park will provide 11 car parking spaces. In response to the appeal, it is stated that there will be controlled entry to the car park which will cater for the parking requirements of the employees (7 no.) and possibly deliveries. It is stated that the car park will not be used by patients. Patients will be directed to use car parking spaces to the front of the site, five associated with the grant of permission for the change of use of the end of terrace property to a dental surgery under PA ref. 07/1096 and the two spaces associated with the residential property the subject of the change of use in the current application.
- 7.6. It is also proposed that the new 1.4m boundary wall of the car park would be set back from the centre of the lane by 5m, increasing the width of the lane across the appeal site. The entry to the proposed car park would also be gated, with secure bollards proposed along the frontage of the site to prevent parking outside the boundary wall. The car park would be finished in tarmac with a 2m landscape strip along its internal boundaries.
- 7.7. Having regard to the foregoing, I would consider that the use of the car park is likely to be limited i.e. with its use associated with the less frequent movements of staff rather than the more frequent movement of patients accessing the dental surgery. Further, as the access to the site is narrow, the small number of vehicles using the site will have to travel at low speed, reducing the risk of any accident. There is also good visibility of the pedestrian pavement for vehicles entering or existing the access lane. The proposed car park would also improve the amenity area and introduce a level of passive surveillance, thereby reducing the likelihood of antisocial behaviour.
- 7.8. The appellant refers to the use of an alternative access to car park via the front of building. In response to the appeal the applicant states that this option was

investigated but proposed works planned along Main Street by the local authority, including the upgrade of the footpath and road, do not lend to a new access point at this location. There is no further information to clarify how the proposed works would impede an access to the rear car park from Main Street. However, from my inspection of the site and Main Street, it is evident that the public road and the area in front of the dental practice is busy with on-street/off-street parking and pedestrian traffic. The proposed arrangements for staff parking to the rear of the site would reduce demand for car parking in this busy, public area, facilitate improved use of this space (e.g. more space for sustainable modes) and, I consider, would provide an appropriate arrangement for the management of traffic arising from the site itself.

- 7.9. I noted the car park referred to by the appellant, which lies a short distance to the north of the appeal site on Main Street. At the time of site inspection, this car park was being used by buses and cars associated with schools in the area and I do not consider that it would be an appropriate alternative to the proposed car park which would provide all day parking for staff.
- 7.10. Having regard to the foregoing, I do not consider that the proposed development would give rise to a significant or serious risk of traffic hazard and would be an acceptable arrangement for the management of traffic arising from the development.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the modest nature and scale of the proposed development and the proposal to connect the development to existing public services, 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. Having regard to the foregoing, I recommend that permission for the development be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the location and detailed design of the proposed development, including arrangements for the management and use of the car park to the rear of the site, it is considered that, subject to compliance with the condition set out below, the proposed development would not give rise to traffic hazard 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 as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of October 2019 and 10<sup>th</sup> March 2020, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The car park to the rear of the site shall be used for staff parking and deliveries only.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
3.	<p>Proposals for signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing structure in respect of colour and texture.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

5.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent pollution.</p>
7.	<p>All existing trees and hedgerow species on the site shall be retained in site except as may otherwise be required in order to comply with the following conditions.</p> <p><b>Reason:</b> In the interest of visual amenity and biodiversity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>

10.	<p>No building material or plant shall be used or stored on the access laneway to the rear of the subject site.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
11.	<p>Lighting within the development shall be provided in accordance with the requirements of the planning authority and shall be submitted for written agreement prior to commencement of development.</p> <p><b>Reason:</b> In the interests of amenity, public and traffic safety.</p>
12.	<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 matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>

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Deirdre MacGabhann

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Planning Inspector

16<sup>th</sup> September 2020