



An
Bord
Pleanála

Inspector's Report Addendum

ABP-314456-22

Development	The subdivision of the existing single storey commercial building into 3 units
Location	Maydenhayes Road, Donacarney Little, Mornington, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22572
Applicant(s)	Rybo Partnership.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Residents of Maydenhayes & Mornington Park. Alice and Christopher Flynn.
Observer(s)	Cllr Stephen McKee.
Date of Site Inspection	30 th March 2023.
Inspector	Elaine Sullivan

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1.0 Introduction

1.1. This report is an addendum to my original report dated the 3rd day of April 2023. Both reports relate to a third-party appeal against a notification of decision to grant permission issued by Meath County Council for the subdivision of the existing single storey commercial building into 3 units and the provision of a 7-space car park to the rear of the building with a new entrance off Maydenhayes Lane for staff parking only. The units would comprise the following,

- Unit 1 – Retail – 128 sqm
- Unit 2 – Retail – 132 sqm
- Unit 3 – Café including takeaway – 167 sqm.

1.2. My original report recommended a grant of permission subject to conditions. At a Board meeting held on the 10th of November 2023 the Board decided to refer the file back to the Inspector for additional consideration. The Board requested comments on the following,

- Consideration of the red line boundary on ABP-314456-22 which appear to differ from Planning Authority, (PA), reference number LB/180389 and may encroach on a public space adjoining permitted and constructed scheme.
- Review of the subject site as to permitted use to ascertain if a portion of same has been designated and is reserved as open space in PA reference number LB/180389.
- As per drawing reference number FI 05 and report reference 7.3.4, it appears a walkway / passageway is retained between the adjacent residences and the red line boundary of the site. An assessment is requested of the implications, if any, of this reduced width connection.

2.0 Assessment

2.1. Red Line Boundary & Open Space

2.1.1. The Board have requested a comment on the difference between the red line boundary as shown on ABP-314456-22 and LB/180389. Under PA Ref. LB/180389 planning permission was granted for a 433m² single storey commercial building for

retail and café use with 17 off-street, car parking spaces, (including 1 no. accessible space and 1 no. loading delivery space), complete with fenced and screened external spaces, illuminated signage, retractable awnings, terrace to accommodate external seating, planting, and associated works.

- 2.1.2. The subject appeal seeks to amend that permission by subdividing the building and providing seven additional car parking spaces to the rear. To provide the additional car parking spaces, it is necessary to extend the northern site boundary into an area which was originally designated as public open space. Planning permission for the overall development was permitted under ABP Ref. PL.17.220138, (PA Ref. 140/355). Drawings submitted with this application show the area of linear open space in question, (Appendix A). It has a stated area of 3542m² and runs along the north-western boundary of the site. A terrace of houses faces onto the open space.
- 2.1.3. Condition No. 22 of the Board Direction states that *'The areas shown as public open space on the lodged plans shall be reserved for such use and shall be soiled, seeded and levelled and landscaped in accordance with a detailed scheme, including a timetable for implementation, to be agreed with the planning authority.'*
- 2.1.4. The proposed development would result in a loss of approximately 300m² of public open space at this location. At the time of the site inspection, this area had been physically separated from the remaining green space and had hoarding around it. Based on drawings submitted with the application, the proposed reduction would leave a remainder of 3,224m² of open space along the north-western boundary. ABP- Ref. PL.17.220138 states that 15% of the site area was given over to public open space. Section 11.5.11 of the MCDP 2021-2027 requires that public open space be provided at a minimum rate of 15% of the total site area, (DM OBJ 26). The loss of 300m² of public open space would not have a significant impact on the overall quantum of open space for the wider development.
- 2.1.5. I would have some concern regarding the incremental degradation of public open space for the development. However, in this instance, I consider the loss of 300m² to have a minor impact. The proposed development would essentially 'square-off' a corner of the public open space and in my opinion, would not impact on the attractiveness or functionality of the remainder of the public open space. I note that the loss of a section of open space was not raised by the PA in their assessment and did not form part of the grounds of appeal or third-party submissions.

2.1.6. The application shows a sliding gate to the car parking area but does not show any boundary treatments between the car parking areas and the open space. To lessen the visual impact of the parking area on the green space, I recommend that some additional landscaping be implemented at this location. I note that the original landscaping plan proposed the planting of 16 Silver Birch trees at this location, which have not been provided. Should the Board be minded to grant permission, I recommend that a planning condition be attached that the applicant agree all boundary treatments with the PA and install additional planting to soften the visual impact of the car parking spaces.

2.2. Public Walkway

2.2.1. Drawings submitted with the parent permission for the site, (PA Ref. LB/180389), show a public footpath along the western boundary of the site and to the side of No. 1 Maydenhayes Road and No. 15 Maydenhayes Lane. This footpath provided a public link from Maydenhayes Lane to Maydenhayes Road. A planting strip of 1.5m was to be provided along the western elevation of the building and directly adjacent to the footpath. The subject application originally showed the retention of the footpath, albeit slightly narrower due to the layout of the car parking spaces to the rear. In the PO's report dated the 22nd of June 2022, further information was requested from the applicant. This included clarification of the reason for opening up the rear entrance to the site and whether this could be closed up. In their response, the applicant submitted Drawings FI-05, and FI-06, which show a gate along the western side of the building. The submission from the applicant states that, *'Secure gates will be provided to both sides of the building. A sliding gate will be provided on the entrance to the proposed car park, (see enclosed Dwg. FI05). Therefore it will not be possible to gain access to the Maydenhayes Lane around the side and rear of the commercial building. Out of hours, the car park area will be secured and therefore will not become a 'hangout place' leading to possible anti-social behaviour'*. The Planning Officer accepted this response from the applicant.

2.2.2. Based on the information submitted by the applicant, the intention is to block the public route from Maydenhayes Road to Maydenhayes Lane when the commercial units are closed for business. I accept that the proposed changes to the site will require additional security measures, and, on this basis, it is reasonable to restrict

access. The width of the pedestrian route would be approximately 1.8m, (as per Drawing FI-05 and FI-06), which would be sufficient to provide pedestrian access. As noted above, I recommend that all boundary treatments facing onto the public areas on Maydenhayes Lane be agreed in writing with the PA prior to the commencement of development.

2.3. Conclusion

- 2.3.1. On foot of a request from the Board, I have reviewed the proposed development regarding its encroachment into an area of previously permitted public open space, and the impact on the previously permitted pedestrian route from Maydenhayes Road to Maydenhayes Lane.
- 2.3.2. I am satisfied that the extent of the encroachment into the permitted open space is of a small scale and as such will not have any significant impact on the quantum or quality of public open space available for the amenity of the residents on Maydenhayes Lane and throughout the development.
- 2.3.3. The proposed development will require some additional security to the area to the rear of the site and as such, the previously permitted, public access from Maydenhayes Road to Maydenhayes Lane will be restricted when the units are closed for business. I find this approach to be reasonable to prevent anti-social behaviour and note that third party submissions expressed concerns regarding the potential for anti-social behaviour to the rear of the site.

3.0 Recommendation

- 3.1. I recommend that planning permission is granted as per my original report of the 3rd day of April 2023 and that the planning conditions be amended to include the following condition:

The details of all boundary treatments shall be submitted in writing and agreed with the Planning Authority prior to the commencement of development.

Additional soft landscaping shall be provided along the northern site boundary, adjoining the public open space to mitigate the visual impact from the parking area and the commercial building.

Reason: To protect the visual amenities of the area.

4.0 Reasons and Considerations

- 4.1. Having regard to the nature and scale of the proposed development, which is located within a designated settlement and on a site with zoning objective A1 - Existing Residential, it is considered that, the proposal would be in accordance with the policies and objectives of the Meath County Development Plan 2021-2027, and 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

12th day of December 2023

Appendix A – Extract from ABP Ref. PL.17.220138, (PA Ref. 140/355)

