



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316862-23

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<b>Development</b>	Retention and completion of entrance with driveway together with staff parking area to service dental practice to include onsite surface water drainage disposal system and all ancillary works
<b>Location</b>	Glack, Ardnacassa and Knockahaw, Longford, Co Longford
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	2331
<b>Applicants</b>	Longford Dental Centre
<b>Type of Application</b>	Retention and completion
<b>Planning Authority Decision</b>	Refuse Retention and Completion
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Longford Dental Centre.
<b>Date of Site Inspection</b>	4 <sup>th</sup> September 2023
<b>Inspector</b>	Dolores McCague

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## 1.0 Site Location and Description

- 1.1.1. The site is located in the townlands of Glack, Ardnacassa and Knockahaw, Longford, Co Longford. The site has frontage to both the R393 (Dublin Road) and the Ardnacassa Road in Longford town. The site, as outlined in red, includes the entirety of the sites of a detached dwelling fronting Ardnacassa Road and a pair of semi-detached dwellings fronting Dublin Road.
- 1.1.2. The area to which the proposed retention applies comprises a strip of land along the south western side of the detached dwelling fronting Ardnacassa Road and a wider area, which extends across the full width of the property at the rear of that detached dwelling, this area is shown amalgamated with the rear gardens of a pair of semi-detached houses which front the Dublin Road, for the provision of staff car parking.
- 1.1.3. Car parking has been provided to the front of the buildings on the Dublin Road, designated as customer parking. The retention applies to the entrance and staff car parking to the rear.
- 1.1.4. A 600mm diameter surface water pipe is identified, on the site layout (drg 03), crossing the site, approximately along the line of the rear site boundary of the detached dwelling.
- 1.1.5. Adjoining on Ardnacassa Road are similar detached dwellings. On the Dublin Road, on the town side of the dental practice, the pair of semi-detached dwellings is in use by the HSE.
- 1.1.6. Double gates are currently in place on Ardnacassa Road at the location of the proposed entrance, as part of the proposed retention these are to be set back to allow for a dwell area, for a car entering to clear the footpath. Screen fencing along the driveway is currently in place.
- 1.1.7. The site is given as 132.5 sq m, representing the driveway. The site, which includes the buildings and lands fronting both roads, was previously given as 0.24ha.

## 2.0 Proposed Development

- 2.1.1. The proposed development is described in the notices as the retention and completion of existing entrance with driveway together with staff parking area to

service existing dental practice to include onsite surface water drainage disposal system and all ancillary works.

2.1.2. It is proposed is to provide staff parking to the rear of the Dublin Road dental practice via the entrance from Ardnacassa Road.

2.1.3. The application documents include reports from HW Planning and Cunningham Design & Planning, responding to previous refusal reasons.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority decision, dated 4<sup>th</sup> April 2023, was to refuse permission, for the following reason:

The proposed development which is a commercial development located in a residentially zoned area would materially contravene the zoning requirements of the Longford County Development Plan 2021-2027, have a negative impact on residential amenity and would not protect or improve the residential amenity of the area and as such would be contrary to the proper planning and sustainable development of the area.

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

3.2.1. Planning Reports

3.2.2. The planning report s dated 30<sup>th</sup> March 2023, recommending refusal, which issued, includes:

- It is noted that the dwelling house which is adjacent to the driveway for retention is in the ownership of the applicant and has its own entrance.
- The applicant has indicated that they have consulted with the Area Engineer and incorporated their requirements and the planning authority accept that this reason for refusal has been satisfied.
- In relation to the reason that the proposed development would materially contravene the zoning requirements of Longford County Council, the applicant

has stated that 3 applications have been granted for commercial use along with an adjoining building. It should be noted that all previous permissions were granted on the basis of that all properties would be accessed off the main arterial route into Longford Town along the R393. None proposed any development to the rear and as such had no impact on the residential amenity of the area.

- The submitted site layout does not accurately identify the proposed development. The car park has not been sufficiently indicated.
- The correct area for the proposed development has not been indicated.
- The correct fee has not been indicated.
- There is no information in relation to surface finishes, no drainage details, no indication of existing services were provided.
- No information in relation to the entrance for retention, no plan or elevations, no sightlines and the impacts on the footpath have not been indicated.
- The proposed development is not in keeping with the zoning and does not protect or improve the residential amenity.
- It will result in a negative traffic impact on the Ardnacassa Road.

### 3.2.3. Other Technical Reports

3.2.4. EHO, 21/3/2023 – no comments.

## 3.3. **Third Party Observations**

3.3.1. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

22/220 – planning permission refused for retention and completion of partially completed staff car parking area to service existing dental practice, fenced driveway to service same and all ancillary works. Details provided.

Refusal for two reasons: 1) contravention of the development plan and impact on residential amenity, and 2) lack of detail in relation to surface water and sightlines.

UNA1355 – relating to unauthorised development at the site.

20/212 - planning permission granted for extension and internal change to floor plans at ground & first floor with connection to adjoining existing building (dental practice) change of use for part of the structure at No. 4 from residential to commercial, to include changes to relevant elevations, provision of additional access and signage and all ancillary drainage parking & site works. Details provided.

11-700004 - planning permission granted for the erection of advertising sign inside front boundary wall and a further sign over the front doorway.

09-700038 - planning permission granted for the extension to existing two storey dwelling, to include for the removal of existing single storey domestic garage, the construction of a two storey side extension, the conversion of a rear single storey extension and all ancillary site works, together with change of use of part, from residential to commercial – dental practice.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. Longford County Development Plan 2021-2027 is the operative plan, relevant provisions include:

Zoned residential: to provide for residential development and protect and improve residential amenity.

The Land Use Zoning Matrix indicates that ‘doctor/dentist’ is permitted in principle.

### **5.2. Natural Heritage Designations**

- 5.2.1. Mount Jessop Bog SAC, site code 002202, c6km straight line distance to the south west, is the nearest Natura site.

### **5.3. EIA Screening**

- 5.3.1. The location is a brownfield site on zoned, serviced land within a settlement in a location with no notable sensitivities.

5.3.2. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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.

## **6.0 The Appeal**

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

6.1.1. HW Planning have submitted the appeal on behalf of the appellant, the grounds include:

- The works, commenced in March/April 2022, were to provide on-site car parking for the 10 staff members currently employed at the dental practice.
- The decision is contrary to the Development Management Guidelines because the main reasons and considerations on which the decision was based must be given.
- The principle of the proposed development is not precluded by the provisions of the Longford County Development Plan 2021-2027 and it does not constitute a material contravention of the plan.
- The proposed development will not give rise to any adverse impacts on the residential amenities of the area and the potential for any perceived residual impacts can be proactively managed by way of planning conditions.
  - The rear gardens of adjoining residential property to the east have been buffered from the car parking area by means of intervening landscape planting which will be planted with a vegetative screening.
  - The boundary perimeter fencing along the lane from Ardnacassa Road and the boundary to the residential property to the north will comprise acoustic fence panelling which will act as an absorbent soundproof screen.
  - It is proposed to utilize a low noise poroelastic road surface comprising mineral and rubber aggregate to further mitigate any residual potential for noise impacts.

- An access control system (electric gates) will operate, restricting access to the car parking to staff only during dedicated working hours.
- Use of the entrance will be reserved for operational hours, 7.45 am to 9 am Monday to Friday and departures between 5.15pm to 6.15 pm Monday to Friday, with a typical later start and earlier finish time on Saturdays.
- Similar commercial car-parking arrangements, backing onto adjacent residential properties in the immediate vicinity is referenced, and aerial photos provided.

## 7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment, the principle of the development, residential amenity, and other issues, and the following assessment is dealt with under those headings.

### 7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

### 7.3. Principle of Development

- 7.3.1. The site is subject to the zoning: 'residential': to provide for residential development and protect and improve residential amenity. The Land Use Zoning Matrix indicates that 'doctor/dentist' is permitted in principle.
- 7.3.2. The refusal reason states that the proposed development, which is a commercial development located in a residentially zoned area, would materially contravene the zoning requirements of the Longford County Development Plan 2021-2027.
- 7.3.3. Notwithstanding the use of the term 'would materially contravene' I am satisfied that the proposed development would not materially contravene the zoning requirements of the Longford County Development Plan 2021-2027, and therefore, should the



Board be minded to grant permission, it would not be necessary to invoke the provisions of section 37(2) of the Planning and Development Act, as amended.

#### **7.4. Residential Amenity**

- 7.4.1. The impact on residential amenity is stated in the reason for refusal.
- 7.4.2. Concerns regarding the impact on residential amenity of property in the vicinity, and additional traffic in a residential area, are expressed in the observations to the planning authority.
- 7.4.3. The grounds of appeal states, as mitigation for impact on the residential amenities of the area, that the boundary perimeter fencing along the lane from Ardnacassa Road and the boundary to the residential property will comprise acoustic fence panelling which will act as an absorbent soundproof screen; it is proposed to utilize a low noise poroelastic road surface comprising mineral and rubber aggregate to further mitigate any residual potential for noise impacts; an access control system (electric gates) will operate, restricting access to the car parking to staff only during dedicated working hours; and that use of the entrance will be reserved for operational hours, 7.45 am to 9 am Monday to Friday and departures between 5.15pm to 6.15 pm Monday to Friday, with a typical later start and earlier finish time on Saturdays.
- 7.4.4. Although it seems likely that arrivals will largely take place at the start of the working day and that departures will largely take place at the end of the working day, it would be unreasonable to limit access and egress to these periods or to accept that these movements would only take place within these limited time frames. Should the Board consider it appropriate, it would be reasonable to limit use of the entrance and parking area to business hours, (eg 8am to 7 pm week days, 8am to 2pm Saturday).
- 7.4.5. Notwithstanding the proposed use of surface materials to limit noise, I accept there will be some noise and disturbance impact at the rear of adjacent residential properties. However the parking area is not intended as a public car park, the nature of the use as a staff car park for a dental practice suggests to me that the noise & disturbance will be minimal. The rear of these properties adjoin properties on the Dublin Road, where change of use to from private residential use has taken place in a number of instances. In my opinion impact on the residential amenities of adjoining property should not be a reason to refuse or modify the proposed development.

- 7.5. Impact on residential amenity of the subject properties.
- 7.5.1. The subdivision of the residential site on Ardnacassa Road allows for an area of some 120 sq m of private open space to be retained with the dwelling. In my opinion this is acceptable.
- 7.5.2. The houses on the Dublin Road have no area retained as private open space. The entire front areas of both former dwellings on the Dublin Road were, on the date of inspection, in use for car-parking.
- 7.5.3. Details on the history file, 20/212, submitted by the planning authority, show that the permission for internal changes and use, of the pair of former dwellings on the Dublin Road, referred to changes to the ground floor only. However, since the internal layout requires that the first floor be accessed via stairwells within the business premises, and does not indicate any internal alterations to provide for kitchen facilities in upstairs areas, I am inclined to conclude that no use is being made of the upper floor areas. There is no permission for any use of the upstairs areas other than residential use.
- 7.5.4. Any residential use should be provide with private amenity space. This can be addressed by condition, such as condition no. 2 as drafted hereunder.

7.6. **Other Issues**

7.7. Documentation

- 7.7.1. Concerns expressed in the planner's report regarding the quality of the application documentation, could have been dealt with when validating the application or in a further information request.

7.8. Drainage

- 7.8.1. Concerns regarding impact on the drainage network in the area is referred to in observations to the planning authority.
- 7.8.2. An existing 600mm diameter concrete surface water pipe is shown on the surface water layout (drg. No. 3) crossing the site approximately along the line of the rear boundary between the property on Ardnacassa Road and adjoining properties on the Dubin Road. The proposed access driveway and parking area cross this pipe.

- 7.8.3. The planner's report includes that the applicant states that they have consulted with the Area Engineer and incorporated into the revised design their requirements and the planning authority accept that this reason for refusal has been satisfied.
- 7.8.4. In my opinion any remaining concerns regarding impact on the drainage network can be dealt with by condition.

## 8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the proposed development be granted, for the following reasons and considerations.

## 9.0 Reasons and Considerations

- 9.1.1. The proposed retention and completion of the entrance and driveway together with staff parking would facilitate the permitted use as a dental practice, would not unduly impact on traffic movement or road safety or have a significant negative impact on the residential amenities of the area, and would be acceptable in terms of the zoning. The proposed development would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 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><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>Prior to the commencement of development the applicant shall submit details for the written agreement of the planning authority, of any residential use of the building fronting the Dublin Road and shall propose the provision of adequate private amenity space for that use.</p> <p><b>Reason:</b> To ensure that residential use is provided with adequate amenities.</p>
3.	<p>No signage shall be erected at Ardnacassa Road except with the prior written agreement of the planning authority. Lighting details shall be submitted for the prior written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity and orderly development.</p>
4.	<p>Prior to the commencement of development the developer shall submit for the written agreement of the planning authority, details of measures to protect the surface water sewer crossing the site.</p> <p><b>Reason:</b> In the interest of clarity and orderly development.</p>
5.	<p>The disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of clarity and orderly development.</p>
6.	<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</p>

	<p>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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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.

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Planning Inspector

7<sup>th</sup> September 2023

Appendices:

Appendix 1 Photographs

Appendix 2 Longford County Development Plan 2021-2027. extracts