



An
Bord
Pleanála

Inspector's Report

ABP-319935-24

Development	Vehicle access to include electric gate and all associated site works.
Location	Iveagh House, French Church Street, Portarlinton, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2360393
Applicant(s)	Kate O'Shea
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Kate O'Shea
Observer(s)	None
Date of Site Inspection	13/12/2024
Inspector	Bébhinn O'Shea

1.0 Site Location and Description

The site is located on French Church Street, Portarlinton. The site contains a terraced two storey over basement 5 bay structure, Iveagh House. The garden extends to the rear of nos. 1-2 of Vignoles Gardens and a further part of the development site, in separate ownership, also protrudes to the east, to the south of no. 1 Vignoles Gardens, connecting with the public road. Vignoles Gardens is a recent backland infill housing development (see planning history below).

2.0 Proposed Development

- 2.1. The proposed development is for the construction of a new vehicular access shown as c. 2.6m wide, electric gate of c 1.9m height, and driveway to serve Iveagh House. The access point is within a parking area providing public parking and parking for Vignoles Gardens.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority initially sought Further Information regarding land ownership, consent and traffic safety matters.

A subsequent Clarification of Further Information issued in relation to traffic safety. Permission was ultimately refused for 1 No. reason, based on

- The disruption of the safe operation of the adjacent public disabled car parking space.
- Lack of adequate sightlines for vehicles exiting, posing significant safety concerns for pedestrians.
- Precedent leading to proliferation of similar type developments, which would interfere with the safety and free-flowing nature of traffic and would increase safety risks.

4.0 Planning Authority Reports

4.1.1. Planning Reports

- First Planner's Report noted
 - the proposed development would help ensure the safety of parked vehicles and deter unauthorised access or incidents on French Church.
 - concerns in relation to the existing disabled car parking and the safety impacts,
 - unclear detail in relation to landownership/consent to works.

Further information was sought in this regard.

- Second Planner's Report
 - Noted issues relating to land ownership/consent were satisfactorily addressed.
 - Concluded there was an unacceptable impact on the adjacent car parking space and inadequate sightlines for exiting vehicles, which would pose safety risks to pedestrians and would create a precedent and lead to proliferation.
 - Recommended refusal.
- Planning Department Direction
 - Director of Services of Planning directed that CFI be sought (i) on alternative access routes that do not interfere with the disabled access parking space and (ii) possible mitigation measures / design modifications.
- Third Planner's report
 - Noted that in response, the applicant proposed attaching a sounder to the gate to alert pedestrians and a flashing beacon light and suggested lowering a section of the wall to 1.2 meters
 - Recommended refusal as per previous report.

4.1.2. Other Technical Reports

- Roads Design

16/11/2023 Recommends refusal (grounds of interference with safe operation of car-parking space, inadequate sightlines of pedestrians)

28/03/2024 Recommends refusal (grounds of interference with car-parking space, inadequate sightlines of pedestrians)

10/05/2024 Recommends refusal (grounds of interference with car-parking space, inadequate sightlines of pedestrians)

- Housing & Urban Regeneration Department

25/03/2024 Effect on side pedestrian entrance into No. 1 and disabled parking space not acceptable

29/4/2024 Effect on side pedestrian entrance into No. 1 and disabled parking space not acceptable

4.2. Prescribed Bodies

DoHLGH Recommended a condition requiring archaeological monitoring.

4.3. Third Party Observations

One in support of the application.

5.0 Planning History

None on site

Adjacent (Vignoles Gardens to north/north east) **20/346** Grant of permission for Construction of 15 no. houses (older person accommodation), renovation of protected structure and change of use to 3 apartments. Provision of vehicular entrance & pedestrian entrance off Market Square. 27 No. car parking spaces (12 no. spaces attributed to public provision). See excerpt from site layout in Appendix 1.

6.0 Policy Context

6.1. Development Plan

The Offaly/Laois County boundary is within Portarlinton. The site is within the functional area of Laois County Council (LCC).

6.1.1. Laois County Development Plan 2021 – 2027 (LCDP)

- The vision for Portarlinton is set out as follows:

The development of Portarlinton over the lifetime of this plan shall be focused on employment generation, the consolidation of the town centre and the provision of community and social services and the transition to a low carbon town. The Council is currently preparing a Portarlinton Regeneration Strategy for the town centre. The aim of the strategy is to create a vision for Portarlinton's public realm, including the suitable re-use of Market House and Square. The aim of the Strategy will be to identify key urban spaces designated for enhancement and connection, pedestrian priority linkages and proposals to better link the historic core with adjacent amenities (People's Park, River Barrow, Leisure Centre and play areas)

- **Chapter 7** sets out policy and objectives in relation to Retailing and the Town Centre:

TC 4 Encourage the maintenance of town/village centre buildings and improve the quality of the public realm in town/village centres making them more attractive and safe to locals and visitors, as well as more pedestrian and cycle-friendly

- **Chapter 10** sets out policy and objectives relating to Infrastructure including transportation.

TC 10 encourages residential uses in town/village centres and acknowledges the need for flexible application of parking, amenity space and internal space standards where these standards cannot be practicably met on-site.

TRANS 38 is to *Promote cycling and pedestrian friendly development layouts, provide facilities at public transport nodes, towns and villages, plan for and make provision for the integration of cyclist and pedestrian needs when considering new development proposals to promote Laois as a walking and cycling destination.*

- The appeal refers to the following:

TRANS 33 Support the growth of Electric Vehicles with support infrastructure, through a roll- out of additional electric charging points in collaboration with relevant agencies at appropriate locations, both on street and in new developments.

TRANS 34 All developments should provide facilities for the charging of battery-operated cars at a rate of up to 10% of the total car parking spaces. The remainder of the parking spaces should be constructed so as to be capable of accommodating future charging points, as required.

TRANS 35 New residential development should accommodate at least one car parking space equipped with an EV charging points for every ten car parking spaces being provided for the associated development

6.2. Local Area Plan

6.2.1. Portarlington Joint Local Area Plan 2018-2024 (LAP)

Now expired. It is noted that zoning objectives maps for Joint LAPs including Portarlington were not included in the LCDP. The site was zoned Town Centre (LCC) and Mixed Use (Offaly County Council (OCC)):

Town Centre Objective (LCC): To protect and enhance the special physical and social character of the existing Town Centre and to provide for and improve retailing and commercial activities. Purpose: To enhance the vitality and viability of the town centre through the promotion of retail, residential, commercial, office, cultural, public facilities and other uses appropriate in the urban core. To prioritise the development of town centre lands in order to consolidate the development of the town. To encourage the use of buildings and backlands, in particular the full use of upper floors, preferably for residential purposes.

Mixed Use (OCC) The use of land as Town Centre Mixed Use shall be taken to include the use of land for a mix of uses, making provisions, where appropriate for “primary” uses i.e. primarily commercial/retail and combined with other compatible uses e.g. residential as “secondary”. The Council will continue to ensure that any development proposed is in the interests of proper planning and sustainable development, and serves to reinforce the vitality and viability of town centres, whilst meeting the needs of its community and surrounding hinterland. Development proposals should be of a use, scale, form and design that accords with the role, function and size of the location in both the Settlement Hierarchy and the Retail Hierarchy of the plan i.e. town centre setting.

6.2.2. Draft Portarlinton Joint Local Area Plan 2025 – 2031 (dLAP)

- Currently on public display with last date for submissions 2/1/2025.
- Section 18 (3) (a) of the Planning and Development Act 2000, as amended, allows the Board to consider any relevant draft local plan which has been prepared but not yet made in accordance with Section 20 of the Act.
- The site is zoned Town Centre (Primary/Core Retail area) (LCC) and Town Centre/Mixed Use (OCC). The objective as per the LCC zoning is:

Town Centre: To protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities. The purpose of this zoning is to enhance the vitality and viability of the town centre through the development of under-utilised land and brownfield sites and by encouraging a mix of uses to make the town centre an attractive place to visit, shop and live in. The character of the town centre shall be protected and enhanced. The Council will encourage the full use of buildings and backlands; in particular, the full use of upper floors in buildings

- Chapter 8 Town Centre Revitalisation has as its Strategic Aim:

To support the sustainable long-term growth of Portarlinton, ensuring that the vibrancy and vitality of the town is maintained and enhanced. This will be achieved by regenerating town centre brownfield lands, the development of key opportunity

sites, increasing the residential population of the town centre, and providing a high-quality town centre environment focused on connectivity and active modes of travel.

Objective 8.7 Require that development proposals facilitate a connected network of streets and spaces which prioritise pedestrians and cyclists and provides for the possibility of connections to future development on adjacent lands.

6.2.3. Section 12.6 sets out Sustainable Travel and Transportation Policies and Objectives

6.3. Natural Heritage Designations

River Nore and Barrow SAC 90m north-east of site.

6.4. EIA Screening

6.4.1. The proposed development does not fall within the scope of a Class of development for the purposes of EIA (See Appendix 1 attached) therefore EIA screening or EIA is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- Disruption to the disabled parking space would be minimal and only 2-3 times a day. This disabled space is poorly located and could be moved.
- The local authority does not state what safety aspects have not been met. The applicant has proposed to lower the wall to allow visibility and incorporate a light/sound warning. DMURS would not identify the exact requirements for this particular situation but acknowledges need for innovation.
- The LCDP supports the growth of electric vehicles and provision of EV charging points. Policy TM 14, TRANS33, TRNAS35 refer. Urban dwellings require EV charging which will impact on layouts. Proliferation of EV charging points would be a positive thing
- The proposed development would not impact on flow of traffic.

7.2. Planning Authority Response

None

7.3. Observations

None

7.4. Further Responses

None

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are the principle of development, and the impact on traffic safety, and that these two issues are interrelated.

8.1.1. While the site does not currently benefit from zoning due to the expired LAP, the site is clearly in a town centre location as set out in the draft LAP. As is typical for this type of development, a vehicular entrance is not contained within the former or proposed zoning matrix. As such I consider that the principle should be addressed in the context of general objectives for town centre locations.

8.1.2. From national policy down (e.g. NSO 7 of the National Planning Framework, the Design Manual for Urban Roads and Streets (DMURS) and the policies and objectives of the LCDP, LAP and dLAP set out above, there is a move to revitalise city and town centres and give such areas back to citizens, to make them more attractive and to promote active modes of transport. DMURS seeks to address street design and ensure it is influenced by the type of place in which the street is located, and balances the needs of all users, creating create connected physical, social and transport networks that promote real alternatives to car journeys, namely walking, cycling or public transport.

- 8.1.3. In this context, at a location central in the town, other transport modes generally take precedence over the car. However, in my view a vehicular entrance could be considered acceptable in the context of the town centre objectives of the site if it did not detract from pedestrian/cyclist infrastructure, public realm etc.
- 8.1.4. In this instance, the proposed development provides no sight visibility splays and exits directly across a narrow footpath which provides pedestrian circulation around parking areas. While movements through the access may be few each day, there would be inadequate visibility of pedestrians. The proposal to provide a beacon and audible alarm, in my view, acknowledges the remaining risk to pedestrians even with the lowering of walls proposed. The light and alarm may not successfully alert the visually or audibly impaired or, for example those wearing headphones, and still creates a risk. The height of the walls at 1.2 metres may still leave children or, for example wheelchair users, out of the sight range of drivers. Vulnerable road users are particularly at risk.
- 8.1.5. I also wish to draw attention to the site layout of 20/346, permitted housing development, which includes a pedestrian link to French Church Street. The safety concerns outlined above are therefore not just limited to users of the car-park, but potential future pedestrian flows. Although not yet constructed, the proposed development would directly impact on this new route and undermine objectives for connectivity – particularly to backlands - and active modes of travel within the town.
- 8.1.6. I note the appellants case in relation to EV parking provision. I consider TRANS 33-35 support the growth of Electric Vehicles in general, and provide standards for new development. They do not support the provision of EV parking for individual houses at the expense of the safety of active transport modes. In fact, the provisions of TRANS 33 would support the provision of an EV charging point within this parking area, which could also serve this dwelling, and presents a more appropriate solution.
- 8.1.7. I note the appellant acknowledges occasional disturbance to the disabled parking space. I do not consider this acceptable, particularly considering users of this space may have different needs in terms of accessing vehicles, may require more time, and may be more vulnerable/less visible users. The issue in relation to this space is stated to arise from the design and development of the parking area, by Laois County Council/the developers of Vignoles Gardens. These parties would be required to resolve this issue and move the space; it is beyond the scope of this

appeal. However, the matter of re-locating the parking space would not address the safety issues arising from vehicular movements from the proposed access point.

- 8.1.8. Finally, I agree with the Planning Authority that the proposed development, if granted, could set a precedent for further such development which overtime could significantly affect the movement of traffic (pedestrian cyclist and vehicular) in the town, and undermine the town centre objectives set out in the CDP and dLAP. However, each application is considered on its own merits, and as such I do not consider this constitutes a reason for refusal.
- 8.1.9. I therefore consider the proposed development unacceptable in terms of traffic safety and town centre objectives set out in the CDP and dLAP.

9.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 90m from the River Nore and Barrow SAC. The proposed development is minor and comprises the formation of a vehicle entrance within the already built up area. No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development and location within a serviced urban location,
- The location and distance from the nearest European site and lack of connections,
- Taking into account the screening report/determination by Laois County Council.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 9.1. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to

- the nature and location of the proposed development,
- the lack of adequate sightlines for vehicles exiting the access point and
- the layout of parking spaces in particular the adjacent disabled space,

it is considered the proposed development would endanger public safety by reason of traffic hazard. In addition, the proposal would conflict with national policy objectives, and the policy and objectives in the Laois County Development Plan and draft Joint Local Area Plan for Portarlinton, which seek to promote permeability in town centres, and promote active modes of transport over the needs of the private car, and to make town centres more pedestrian and cycle friendly. The proposed development would therefore be contrary to the proper planning and 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.

Bébhinn O'Shea
Senior Planning Inspector
17/12/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	24-319935		
Proposed Development Summary	Vehicular access and associated works.		
Development Address	Iveagh House, French Church Street, Portarlington.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Conclusion			
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes	√	Screening Determination required

Inspector: _____ **Date:** _____