



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323598-25

### Development

Change of use from workshop to out patients medical centre. Works to include restoration, alteration and extension with associated site works.

### Location

Rear of Boston Health Centre & Boston Pharmacy, Dublin Rd, Ballyroan, Co. Laois.

### Planning Authority

Laois County Council

### Planning Authority Reg. Ref.

2510

### Applicant(s)

Dr. A. Ahmad

### Type of Application

Permission.

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Patricia Kavanagh & Stefano Peccenini  
Helen & Sean Sherman  
Moira Phelan  
Kieran & Ann Conroy

	Thomas Maguire
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19/11/2025.
<b>Inspector</b>	Alan Di Lucia

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

Appendix 2 Water Framework Directive Screening

## 1.0 Site Location and Description

- 1.1. The appeal site is located along the Dublin Road approximately 2km northeast of Portlaoise Town Centre. Access to the Midlands Regional Hospital is opposite. The development site contains a joinery workshop building located to the rear of the Applicant's existing premises, the Boston Health Centre, which forms part of the existing streetscape, consisting of medical offices, pharmacy and associated parking.
- 1.2. The existing use at this location is predominately residential, with residential properties adjoining to the sides and rear of the existing premises and proposed development. To the east of the appeal site is an existing Apple Green Service Station with a car dealership, and other retail uses to the rear.
- 1.3. The existing workshop is currently accessed via a side laneway 35 metres to the west of the existing access to the Boston Health Centre. The laneway provides access to an existing residential property, to the north of the workshop. The laneway also provides access to garages to the rear of the existing residential properties fronting onto the Dublin Road.

## 2.0 Proposed Development

- 2.1. The proposed development is for the change of use of the existing two-storey joinery workshop to a private medical outpatient's surgical centre. Works consist of restoration, alterations and extensions to the east and west elevations to the existing concrete structure, removal of the existing round roof and replacement with a round roof with an increased ridge height, to match the ridge height of the existing Boston Health Centre Building. The proposal also consists of a two-storey porch extension fronting onto the existing car park and all ancillary site works.
- 2.2. Access to the site is from the access to the existing Boston Medical Centre with parking to the front and rear which serves the existing pharmacy and medical centre. Access to the rear car park has a height restriction and can only be accessed by vehicles with a height of less than 2.5m.
- 2.3. The Proposed development consists of a surgical / medical centre consisting of treatment rooms, X-Ray rooms, waiting rooms and consultants' office. The proposal

is to convert the existing workshop building, which is constructed of a concrete floor, concrete walls and corrugated steel barn type roof into a two-storey medical centre. The proposal includes the provision of new concrete floors, an internal steel structure, stairs and lift. The existing foul and water service connections are to be upgraded to provide service connections to the building.

## 3.0 Planning Authority Decision

### 3.1. Further Information

The Planning Authority requested further information regarding the proposed development relating to:

- Surface Water Attenuation and Disposal.
- Provide a public lighting design.
- Provide a parking schedule for both existing and proposed developments on the overall site.
- Submit layout plan clearly showing all details relating to management of site during construction.
- Submit plans and elevations clearly showing existing and proposed development
- Request applicant to submit comments to issues raised by third parties.

The further information was submitted to the Planning Authority

- Surface water attenuation Plan submitted, no storm event or climate change issues incorporated in calculations.
- Applicants note existing lighting to private carpark, and car parking requirements.
- Layout plan showing construction activities, including storage of material off laneway.
- Updated CEMP submitted detailing construction .

Following an assessment of the Further Information, The Planning Authority requested a clarification relating to:

- Surface water design to incorporate 1:100-year storm event and revise rain intensity due to climate change to 20%, and to demonstrate attenuation tank capable of withstanding exceptional loading.
- Submit public lighting proposals as requested
- Ensure parking is compliant with Laois County Development Plan 2021-2027.
- Update CEMP to demonstrate construction can occur without using the existing laneway and how construction equipment can gain access with the existing height restriction of 2.5m.

All information was submitted to the Planning Authority.

- Updated Surface Water Attenuation Plan submitted.
- Highlights lighting is existing, if required a condition to be added to comply with relevant standards
- Details submitted demonstrating car parking dimensions in accordance with the County Development Plan.
- Staggered hours of operation of different uses on site ensure sufficient car parking provision. Adjacent filling station and commercial units have surplus of parking
- Updated Construction and Environmental Management Plan submitted, laneway will not be used for construction, material stored to side of existing workshop building utilising existing health care access..

### 3.2. **Decision**

Following receipt and assessment of the further information received, the Planning Authority issued a notification of a decision to grant permission subject to 15 Conditions.

Conditions of Note Include:

Cond 7(b) Upper floor opes on the Western side elevation shall be fitted with frosted / opaque glass

Cond 8(a) No Advertisements or signage erected on the structure, on the site or adjoining public throughfare without a separate grant of planning permission, notwithstanding provision of the 2001 regulations.

Cond. 9(d) Public lighting proposals to be submitted prior to commencement of development on site.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

The Planner's Reports had regard to the following issues.

- The proposed use is open for consideration within the "Residential 1: Established" zoning objective of the Laois County Development Plan 2021-2027.
- Flood Risk is not an issue at this location.
- Did not consider that either Appropriate Assessment or Environmental Impact Assessment was required.
- Building design is representative to the location
- Parking requirements are considered acceptable given the location of the site and the staggered nature of the clinic hours and surgery hours.
- Issues raised in further information are to satisfaction of Road Design Section, in terms of surface water, parking, and access
- Proposed development materially different to refusal for residential development and will synchronise with the existing health related development already on site and across the road in the Midlands Regional Hospital and will be more benign in terms of its likely impact on the local amenities as expressed by third parties.

### 3.3.2. Other Technical Reports

- Fire Service
  - Not assessed the application
  - Inform applicants that they are required to comply with all Building and Building Control Regulations.
- Road Design
  - Request Further Information Relating to:
    - Surface Water Drainage, Public Lighting and Car Parking Requirements.
  - Following Receipt of Further Information, Recommends a grant of planning permission subject to conditions.
- Portlaoise Municipal District Office
  - No objection to application

### 3.4. Prescribed Bodies

None

### 3.5. Third Party Observations

Seven third party submissions received. Issues raised include:

- Traffic safety, Parking, access including construction access
- Design, specification, suitability of existing building, and structural stability
- Residential Development, Overdevelopment
- Health and safety, Fire safety and regulations
- Planning history, relationship with other activities at this location.
- Foul Drainage.

## 4.0 Planning History

### Appeal Site

PA Ref 24/21

Planning Permission refused by Laois County Council for permission to change use of two-storey joinery workshop to three, one-bedroom apartments and one studio apartment. The Planning Authority was not satisfied based on the information provided that safe and adequate access to and from the site can be achieved. (Note access was via laneway and not through existing access at Boston Medical Clinic)

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Laois County Development Plan 2021-2027 (LCDP) is the relevant statutory development plan for the area. It has regard to national and regional policies in respect of development within the settlements of the County.
- 5.1.2. The land to which the appeal site is located is zoned 'Residential 1 – Existing Residential', which is '*To protect and enhance the amenity of developed residential communities.*' This zone is intended '*primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the residential amenity of residential communities such as schools, creches, small shops, doctors' surgeries, playing fields etc.*'
- 5.1.3. It is an objective on land zoned for Residential 1 to '*protect the established residential amenity and enhance with associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Within this zoning category the improved quality of existing residential areas will be the Council's priority.*'
- 5.1.4. Table 13.3 of the LCDP Land Use Matrix states that land uses related to Health Centres or Medical and related consultants are uses Open for Consideration within the Residential 1 land use zoning objective. Table 13.1 of the LCDP states that '*Land uses that are listed as Open for Consideration may be acceptable to the*

*Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in this Plan. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan'*

5.1.5. Table 10.3 of the LCDP relates to Land Use Parking Space Requirements. For Surgeries / Clinics there is a requirement to provide for 2 spaces per consulting room. For retail, 1 space per 26m<sup>2</sup>.

## 5.2. Local Area Plan

5.2.1. Portlaoise Local Area Plan 2024-2030 (PLAP) was adopted on the 16<sup>th</sup> of December 2024 and came into effect on the 5<sup>th</sup> of February 2025. The PLAP set out an overall strategy for the proper planning and sustainable development of Portlaoise in the context of the LCDP.

5.2.2. Policy PCO 4 states that it is an objective '*To support and facilitate development on zoned land based on the policies and objectives of the Laois County Development Plan 2021-2027'*

5.2.3. KI O1 of the PLAP states that it is an objective of the Council to '*require all new development proposals to include proposals for Sustainable Drainage Systems'*.

## 5.3. Natural Heritage Designations

5.3.1. The Following Heritage Sites are located within the vicinity of the appeal site.

Site Code	Site Name	Distance (Approx.)
002162	River Barrow and River Nore SAC	8.2 km
000412	Slieve Bloom Mountains SPA	8.9 km
002357	Clonreher Bog NHA	4.5 km

## 5.4. EIA Screening

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered

that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

Five appeals in total were received from the following, Patricia Kavanagh & Stefano Peccenini; Helen & Sean Sherman; Moria Phelan; Kieran and Ann Conroy; Thomas Maguire (submitted by GM Architects). The issues raised are summarised in Section 6.1.

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

#### **6.1.1. Impact on Residential Amenity / Property**

- Concern relating to significant effects on their residential amenity due to the proximity of the proposed development.
- The proposed development will overlook and overshadow their private garden and residential property.

#### **6.1.2. Surface Water**

- Inadequate surface water disposal resulting in flooding of their property.

#### **6.1.3. Traffic and Access Issues**

- Disproportionate and hazardous traffic concerns, including parking provisions, with the reliance on adjoining property for parking.
- Insufficient width of laneway for emergency vehicle access
- Traffic issues at access location and car park issues relating to damage of adjoining boundary wall.
- Emergency Access not addressed

#### **6.1.4. Use of Laneway**

- Laneway not suitable for construction access
- Questions ownership of laneway

- Use of laneway could hinder access to the rear of their property

#### 6.1.5. **Structural and Building Design**

- Application is an intensification of use and considered as part of the overall campus of development at this location
- Questions Buildability of the proposed development
- Highlights Fire Safety Issues
- Questions Structural stability
- Questions Structural impact on adjoining garage.
- Size and Scale not representative of the area
- Operational Issues not incorporated into building design

#### 6.1.6. **Pollution and Infrastructure Damage**

- Concerns relating to increased noise and dust during construction
- Damage to water and sewerage services
- Questions ownership and maintenance of service pipes
- Question's location and storage of hazardous materials

#### 6.1.7. **Planning History**

- Notes pattern of speculative development by the applicant at this location, with a lack of technical viability and content included with the applications.
- References planning application 24/21 which was refused by the Planning Authority for over-intensification and technically unfeasible and considers these issues relevant to the current proposal.

#### 6.1.8. **Planning Authority Issues**

- Points out that the PA have been less than rigorous in their evaluation and management of the planning process and that their concerns have not been adequately addressed by the PA.

## 6.2. Applicant Response

- Notes the grounds of appeal and is of the firm position that the proposed development complies with all relevant planning policies, statutory requirements and technical standard. Notes that certain matters raised fall outside the scope of the planning process and are regulated separately under statutory health, safety and professional regimes.
- Access designed in accordance with LCDP and Roads and Parking Standards.
- Parking meets LCDP minimum requirements
- Circulation aisles allow for safe two-way movement, emergency service access and HGV access during construction.
- Application including further information complies with planning legislation and procedural matters raised have been resolved and clarified.
- Building design and structural stability design to meet standards
- Installation of medical equipment will comply. with HSE and HIQA requirements and regulated under statutory health regimes and not planning legislation
- Imaging rooms to comply with national radiation protection standards, cannot operate without EPA authorisation and HIQA inspection.
- Building to comply with Fire and Building Regulations and Fire Safety Cert is required.
- Drainage, ventilation and waste management regulated under environmental and health codes.
- Applicant legal owner of laneway, and adjoining property are entitled to use laneway for pedestrian access only.

## 6.3. Planning Authority Response

- None

## 7.0 Assessment

7.1. 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 Planning Authority, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development.
- Building Design and Residential Amenity
- Surface Water Attenuation
- Parking Provision
- Traffic Safety
- Legal Issues
- Other Matters.

### 7.2. Principle of Development

7.2.1. The subject site is located along the Dublin Road and consists of an existing joinery workshop. On the date of my site inspection there was no activity associated with the workshop which appeared to be no longer in use.. I consider the subject site to be part of the larger complex of buildings at this location which provide health services, in the form of consultation rooms and a pharmacy.

7.2.2. Under the LCDP, the land to which the subject site is located is currently zoned *'Residential R1 – Existing Residential which is 'to protect and enhance the amenity of developed residential communities.'* The zoning provision is intended *'primarily for established housing development but may include a range of other uses particularly those that have potential to improve the residential amenity of residential of residential communities such as schools, creches, small shops, doctors' surgeries, playing fields etc.'*

7.2.3. The Land Use Zoning Matrix of the LCDP states that uses related to health / medical centres and related consultants are uses Open for Consideration within the Residential R1 land use zoning objective. However, the LCDP also states that such

uses may only be permitted where they do not material conflict with other aspects of the development plan.

- 7.2.4. I am satisfied, based the existing uses at this location, that such uses are open for consideration under that LCDP, that the principle of a medical centre at this location is a land use that complies with the zoning provision '*Residential R1*' of the LCDP.

### 7.3. **Building Design and Residential Amenity**

- 7.3.1. I note that the submitted drawings to the PA indicate that the existing workshop has an overall height of 5.08m, comprising 3.52m from ground to eaves and 1.56m from eaves to ridge. The proposed medical centre has on overall height of 8m, comprising 6.5m from ground to eaves and 1.5m from eaves to ridge height. ( as noted from the side elevations). However, the front and rear elevations appear to indicate that the eaves level is at 4.9m above ground level for the entire building.
- 7.3.2. I note that the submitted drawings to the PA indicate that the proposed roof finish extends downwards from the eaves height of 6.5m to the 4.9m above ground level to match the eaves height of the front projection element of the building design. I consider that this element of the proposed building design is not accurately represented in the front and rear elevation drawings as submitted to the PA, as the drawings indicate that the eaves height is at 4.9m above ground level for the entirety of the proposed building and not at 6.5m as proposed.
- 7.3.3. I calculate from the drawings submitted to the PA that the ratio of massing between roof space and building structure is 1 to 4.3, which I consider is disproportionate in terms of the overall building design, considering the ratio if the ridge height and eaves matched the existing structures on site, which would result in a ratio of 1 to 1.5. I consider that this design approach is inconsistent with the architectural character of the existing structures, and the proposed design exacerbates the massing and visual imbalance of the proposed building at this location.
- 7.3.4. I note that the proposed building provides windows at upper floor level on both south and west elevations which could provide opportunities for overlooking to the rear of existing residential properties to the north, southwest and southeast. I note that the PA conditioned obscure glass to the window openings on the west elevation of the proposed development and I am satisfied that a condition, to provide obscure glass to all upper floor windows would address overlooking issues, should the Commission

decide to grant permission,. However, I consider that due to the building location and inadequate separation distances (approximately 2m to northern property boundary and 10m to residential boundaries to the south) to the existing residential properties that such a condition will not address the issue that the proposed development will negatively impact on the residential amenity of these properties due to design, scale and overbearing nature.

- 7.3.5. Following my site inspection, I note the location of one residential property to the north of the proposed development. I am satisfied that all other properties are located to the south of the proposed development and therefore conclude that overshadowing of these properties is not an issue. I consider that the increase in height of 3m from the existing structure to the proposed building may result in overshadowing of this residential property to the North. I note that both properties share a common boundary, however the potential impact of overshadowing resulting from this increase in height was not considered and no analysis was requested by the PA. I conclude that this is unclear, and I cannot eliminate any potential impacts resulting from overshadowing on this residential property. Therefore, I conclude that the proposed development has the potential to negatively impact the adjoining property to the north, resulting from overshadowing.
- 7.3.6. I note that the applicant has stated that the internal design is regulated by health and environmental standards and not planning legislation. However, I note that the internal design may require plant, ventilation equipment and specialised areas for storage of waste materials. Such design features may require modifications to the external design of the proposed development which has the potential to negatively impact adjoining properties. Therefore, I am not satisfied that the applicant has provided sufficient details to ensure that the building design would not be significantly altered to accommodate any changes regulated by health and environmental legislation without negatively impacting on adjoining properties.
- 7.3.7. I note that the works consist of restoration, alterations and extensions to the east and west elevations to the existing concrete structure, removal of the existing round roof and replacement with a round roof with an increased ridge height, to match the ridge height of the existing Boston Health Centre Building. The proposal is to convert the existing workshop building, which is constructed of a concrete floor, concrete walls and corrugated steel barn type roof into a two-storey medical centre. The proposal

includes the provision of new concrete floors, an internal steel structure, stairs and lift. I note that the PA has not questioned the suitability of the conversion of the existing structure into a medical facility. However, I am satisfied that any works proposed will be required to comply with the relevant building regulations and codes of practice to ensure structural compliance without impacting on adjoining properties. I consider such issues are outside the scope of the planning appeal.

- 7.3.8. In conclusion, based on my site inspection, the information provided to the PA and my analysis above, I consider that the proposed two storey building replacing the existing workshop building due to its design, scale and size, increasing the mass of the building by a further 3m in height would constitute overdevelopment of the site, be out of character with the existing building form of adjacent properties, has the potential to overshadow adjoining property and would be visually overbearing when viewed from rear of existing residential properties. Therefore, I conclude that the proposed development will have a negative impact on the residential amenities of adjoining residential properties at this location.

#### **7.4. Surface Water Attenuation**

- 7.4.1. I note that the PA request for further information dated 10/04/2025 related to the submission of proposals for surface water attenuation and disposal. In response the applicants submitted a detailed surface water drainage design report with a site layout plan showing the proposal. I also note that the PA requested a clarification of the further information dated 02/07/2025 relating to updating the surface water drainage design calculations to provide surface attenuation solutions for the 1:100-year storm event and increased rainfall due to climate change. The applicant submitted an updated surface water drainage design report to the PA on the 24/07/2025 incorporating the PAs' request.
- 7.4.2. I refer to Section 4.1 of the updated surface water drainage report which relates to the surface water management concept of a SuDs Management Train. An array of techniques were used to fulfil requirements of each element of the treatment train. With reference to Pollution Prevention, measures include regular sweeping of the estate roads and collection of rubbish, silt traps and petrol interceptors will intercept debris, silts and hydrocarbons from entering the attenuation tank or from being discharged to soil. Source Control, measures include permeable paving to private

driveways. Site Control measures include SUDs devices throughout the site to provide a means of run-off to infiltrate into the ground across the site. Regional Control measures include the protection of the receiving watercourse. I consider that section 4.1 of the report submitted by the applicant is not related to the proposed development, the proposal does not include any estate roads to be swept, no private driveways to include permeable materials and surface water is discharging to the public wastewater sewerage network and not to ground or to a watercourse, Therefore I consider Section 4.1 of the surface water drainage report is not relevant to the proposed development.

7.4.3. I refer to Section 4.2 of the updated surface water drainage report which relates to the proposed surface water attenuation and disposal strategy for the proposed development. The report proposes that the surface water runoff from the car park and building roof will be collected through a series of road gullies and conveyed through underground pipework to the proposed attenuation tank located in the car park area of the site. I also refer drawing reference 25-28-01 submitted as part of the further information response which details all site services including the proposed surface water attenuation system. I note that the drawing indicates the location of the proposed surface water attenuation tank to the area to the west of the existing joinery workshop and not within the car park area as proposed. The drawing details one new road gully located to the southwest corner of the proposed new building and details the flow of surface water to the attenuation tank and then to the public sewerage network. The drainage design drawing does not indicate how the existing surface water from the existing buildings that form the overall complex integrates into the proposed surface water attenuation system.

7.4.4. I note from my site inspection and the drawings submitted to the PA that the proposed medical centre shares a boundary with an existing residential property to the North. Having reviewed the documents relating to surface water attenuation it is not clear how surface water attenuation from the north facing roof space of the proposed building can adequately discharge to the proposed surface water system and it is unclear from the details submitted if such measures can be accommodated within the development boundary of the appeal site and also to ensure that surface water generated from the development proposed does not impact on adjoining properties outside the ownership of the applicant.

7.4.5. I am not satisfied that based on the inconsistencies in information submitted to the PA, as outlined above and my site inspection that the applicant has clearly demonstrated that surface water attenuation and disposal can be managed within the boundary of the appeal site or adjoining property in the ownership of the applicant.. I consider that the surface water runoff disposal, particularly from the roofed area of the proposed building along the common boundary with the existing residential property adjacent to the north of the site has not been clearly detailed and as to how that the existing surface water system in situ has been integrated into the proposed surface water drainage system. Therefore, I conclude that the applicant has not adequately demonstrated that the proposed surface water management system will safely dispose of all surface water generated on site without impacting on adjoining property not in the ownership of the applicant..

#### **7.5. Parking Provision.**

7.5.1. I note from the details submitted to the PA that the applicant proposes a total of 12 parking spaces for the overall development complex, including proposed and existing uses at this location.. The LCDP states that for surgeries / clinics there is a requirement to provide for 2 spaces per consulting room. The proposed development includes one consultation room therefore requiring 2 parking spaces.

7.5.2. I note the existing uses on site include four consultations rooms and a pharmacy. Under the current LCDP the parking provision for the existing uses on site would require a total of 10 parking spaces. 8 parking spaces for the existing 4 consultation rooms (2 spaces per consulting room) and 2 parking spaces for the pharmacy. (area calculated from submitted drawings 46m<sup>2</sup> at 1 space per 26m<sup>2</sup>).

7.5.3. I note that staggered operating hours to the different elements of medical centre complex, which will reduce the parking demand at any given timeframe during operation.

7.5.4. I am satisfied, based on the information provided with the planning application and following my site inspection that the parking proposed for the proposed development complies with the parking provisions of the LCDP.

#### **7.6. Traffic Safety**

- 7.6.1. In relation to traffic and transport issues, I am satisfied based on the information provided including internal PA reports and from my site inspection, that the existing access and proposed parking arrangements would not give rise to any traffic issues associated with the site. The circulation area within the existing parking area is in accordance with the provisions of the LCDP.
- 7.6.2. I am satisfied that the information provided with the Construction and Environmental Management Plan, based on the phasing schedule, location for material storage and construction machinery used that no traffic safety issues arise from the existing access onto the Dublin Road.
- 7.6.3. I note that the existing laneway to subject site, should not be considered for access as the width alignment and visibility at the junction with the public road network may have issues relating to traffic safety. I note that this laneway is not considered for construction related traffic or for vehicular access or parking associated with the proposed development.

## 7.7. Legal Issues

- 7.7.1. I note that the question of ownership and legal right to access the rear of properties from the adjoining laneway has been highlighted in the grounds of appeal. In terms of legal interest, I am satisfied that the applicants have provided evidence of their legal intent to make the application. Any further legal concerns regarding rights of access associated with said lands is considered a Civil matter and are outside the scope of the planning appeal. In any case this is a matter to be resolved between the parties, having regard to the provisions of Section 34(13) of the Planning and Development Act, 2000 (as amended), which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development.*'

## 7.8. Other Issues

- 7.8.1. In relation to the legal provisions relating to building and fire regulations, any provisions regarding access for emergency vehicles will be subject to the scope of the relevant regulatory authority and are outside the scope of the planning appeal. I refer to Section 34(13) of the Planning and Development Act, 2000 (as amended) in this regard.

- 7.8.2. In relation to public lighting arrangements, such lighting can be designed, such that lighting from such a proposal will not egress onto adjoining property, such proposals can be conditioned and agreed with the PA prior to commencement of any development on site.
- 7.8.3. I am satisfied that any issues relation to noise, dust or waste removal can be addressed as part of a revised Construction and Environmental Management Plan which would be agreed with the PA prior to the commencement of any development on site.
- 7.8.4. I note that any potential damage to existing water or sewerage services at this location, will be between the applicant and the service providers, however I am satisfied that provisions to safeguard such services can be addressed as part of a revised Construction and Environmental Management Plan which would be agreed with the PA or service providers prior to the commencement of any development on site.
- 7.8.5. I note that any administrative issues associated with file management with the PA are outside the scope of the planning appeal.
- 7.8.6. I note that any future planning applications submitted to the Planning Authority are outside the scope of this planning appeal.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development consisting of the change of use from workshop to outpatients' medical centre in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within an urban area 8.2 km to the nearest European Site. The proposed development comprises the change of use of an existing building to a medical centre, comprising of demolition works and construction works to accommodate the development as proposed. 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 it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The nature of the works within the existing urban footprint of Portlaoise
- The location of the proposed in relation to European Sites, with no hydrological or ecological connect to such sites

I conclude, 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. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Water Framework Directive Screening

- 9.1.1. The appeal site is located approximately 1.2 km from the River Triogue to the west. The development comprises the change of use of an existing workshop to use as a medical centre.

I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

## 10.0 Recommendation

Having considered the contents of the application, the provisions the Laois County Development Plan 2021-2027, the grounds of appeal, my site inspection, and my assessment of the planning issues. I recommend that planning permission be refused for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its height, scale, massing and bulk at this backland location to the rear of existing residential properties, would constitute overdevelopment of the site, provide for overshadowing and would lead to a significantly overbearing impact such as to seriously injure the amenities of the area and of existing residential properties in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development, to the rear of existing residential properties and the surface water drainage system proposed, the Commission is not satisfied that the surface water generated from the development proposed can be adequately discharged through the proposed surface water drainage system without the risk of flooding or negatively impacting adjacent residential properties. Therefore, It is considered that the proposed development would 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.

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Alan Di Lucia  
Senior Planning Inspector

11<sup>th</sup> December 2025

### Appendix 1 Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323598-25
<b>Proposed Development Summary</b>	Change of use from workshop to out patients medical centre. Works to include restoration, alteration and extension with associated site works.
<b>Development Address</b>	Dublin Rd, Ballyroan, Portlaoise, Co. Laois.
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	Schedule 5 Part 2 10. Infrastructure Projects (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of the built-up area and 20 hectares elsewhere.
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ACP-323598-25
<b>Proposed Development Summary</b>	Change of use from workshop to out patients medical centre. Works to include restoration, alteration and extension with associated site work
<b>Development Address</b>	Dublin Rd, Ballyroan, Portlaoise, Co. Laois.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the change of use of an existing workshop to use as a medical centre on an urban site 0.027 hectares in area. The proposal will require partial demolition works and employ standard construction methods that will have negligible use of natural resources, production of waste, pollution or nuisance, with not perceived risk of accidents / disasters or risk to human health.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development comprises the change of use of an existing workshop to use as a medical centre on an urban site 0.027 hectares in area. The location is within lands zoned for urban development, with no environmental sensitive sites within the proximity of the site, or with no ecological or hydrological connectivity to any environmental sensitive sites.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the location, site size and development proposed it is considered that there is no potential for significant effects on the receiving environment resulting from the development proposed
<b>Conclusion</b>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2 – WFD Impact Assessment STAGE 1: SCREENING

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	323598	Townland, address	Dublin Rd, Ballyroan, Portlaoise, Co. Laois.
Description of project		Change of use from workshop to out patients medical centre. Works to include restoration, alteration and extension with associated site work	
Brief site description, relevant to WFD Screening,		The site is located in the Barrow_SC_020 Water Framework Directive Sub Catchment Area which is part of the Barrow Water Framework Catchment Area. The site is an existing workshop building within the urban area of Portlaoise. There are no drainage ditches within the site, The Triogue river is 1.2km from the subject site	
Proposed surface water details		On Site SuDS system	
Proposed water supply source & available capacity		Public Water Supply	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Not applicable.
<b>Others?</b>	Not applicable.

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River waterbody	1.2 km	Triogue-020 (IE_SE_14T010200)	Moderate	At Risk	Urban Runoff Urban Waste Water	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying Site	Bagenalstown Upper (IE_SE_153)	Good	Not at risk	No pressures	Surface water runoff.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Triogue-020 (IE_SE_14T01 0200)	None	None	None	No	Screened out
2.	Ground	Bagenalstown Upper (IE_SE_153)	Drainage	None	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Triogue-020 (IE_SE_14T01 0200)	None	None	None	No	Screened out

4.	Ground	Bagenalstown Upper (IE_SE_153)	Drainage	None	None	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A