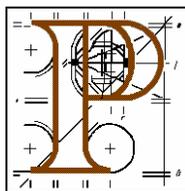


An Bord Pleanála



Inspector's Report

Appeal Reference: PL06D.243279

Development: Erection of 2 no. free-standing pre-fabricated metal sheds at 114A George's Street Lower, Dún Laoghaire, Co. Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref. D14A/0038
Applicants: Murco Ltd.
Type of Application: Permission
Planning Authority Decision: Grant permission

Planning Appeal

Appellants: McCabe McCabe Ltd.
Type of Appeal: Third Party
Observer(s): None
Date of Site Inspection: 11th July 2014

Inspector: Donal Donnelly

Appendices: Photographs and Maps

1. SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located off George's Street Lower within Dún Laoghaire town centre. George's Street Lower and Upper comprises the historic retail and commercial spine of the town centre. The street commences at its junction with York Road and continues south-east for approximately 1km to the People's Park. The appeal site is located at the north-western end of the street on the north-eastern side of the road.
- 1.2 The site is accessed via a laneway off George's Street Lower which continues for a distance of approximately 18m between buildings to a parking area located to the front of an existing commercial building housing Murco Ltd. This building has low pitched roof with maximum height of 6m and a floor area of 457.5 sq.m. Murco Ltd. manufactures fixed gas detectors and gas sensors and the company has particular expertise in refrigerant gas detection and air conditioning applications.
- 1.3 The appeal site has a stated area of 0.05135 hectare. This includes the existing building, the parking area and laneway, and an area of open space to the north-eastern side of the building. The site is bounded to the north and north-east by an apartment development currently under construction. The rear boundaries of properties fronting George's Street Lower and Wellington Street back onto the south-western and south-eastern boundaries of the appeal site respectively.

2. PROPOSED DEVELOPMENT

- 2.1 The proposed development as described on statutory notices is for the erection of 2 no. free-standing prefabricated metal sheds, to be single storey with pitched roofs, located to the side of 114A George's Street Lower.
- 2.2 The proposed sheds will be located within the area of open space to the side of the building. This area measures approximately 120 sq.m. and is elevated above the adjoining construction site. The sheds will be located against the north-western boundary wall of the site with gables facing towards the existing building.
- 2.3 The stated area of each shed is 12 sq.m. The structures will have a single door in the gable and no windows. The ridge height will be 2.6m and the height to eaves will be 1.966m. The sheds will sit 400mm apart. The southern shed will be located 3.283m from the southern boundary and the northern shed will be 6.767m from the northern boundary.

3. TECHNICAL REPORTS

- 3.1 The recommendation to grant permission, as outlined within the planning report, reflects the decision issued by the Planning Authority.

- 3.2 The Case Planner considers under the assessment of the application that the proposal will not impact on the amenity of directly adjoining sites having regard to the minor scale and location of the proposed sheds.
- 3.3 It is also considered that the proposed sheds will not impact on the visual amenities of the area, as the site is located down a laneway and to the side of the existing 2-storey building.
- 3.4 Issues raised within the submission relate to the use of the existing building, the existing access and parking arrangements, and the roof treatment to the existing building. It is stated that no alterations are proposed to the existing building and therefore these issues are not relevant.
- 3.5 It is considered acceptable that the proposed sheds will provide additional storage ancillary to the existing use on site.
- 3.6 The Case Planner notes that issues raised with respect to health and safety are not planning considerations and are covered under different legislation.

4. PLANNING AUTHORITY'S DECISION

- 4.1 Dún Laoghaire-Rathdown County Council issued notification of decision to grant permission for the proposed development subject to eight conditions.
- 4.2 Conditions are attached relating to construction works, use of the proposed structures, disposal of surface water and development contributions.

5. APPEAL GROUNDS

- 5.1 A third party appeal against the Council's decision has been lodged by the owner of the premises located at No. 116 George's Street Lower, which adjoins the appeal site to the south-west. The grounds of appeal and main points raised in this submission can be summarised as follows:
 - Type of roofing and exact locations of the proposed sheds have not been identified.
 - Applicants are an industrial firm carrying out dangerous and toxic tests of a highly poisonous nature.
 - Siting of the business to the rear of appellant's offices and garden, and within a few feet of residential properties is a serious threat to life and property in the immediate area.
 - Usage of the proposed sheds is not stated in the planning application. Sheds would be wholly unsuitable for the storage of highly explosive gas cylinders.
 - Entrance to appeal site is via a c. 10 feet wide laneway that is incapable of allowing entry to emergency services.

- Roof of main building is mainly untreated asbestos sheeting that presents a danger to workers and staff.
- As a result of restricted access to Murco Ltd., portion of George's Street Lower to front of appellant's premises has become a parking lot for cars, vans and articulated trucks, as well as an undesignated loading and unloading bay.
- Current usage of Murco Ltd. premises is unsuitable and a grave hazard to all at this location – this type of business should be sited in an industrial complex.

6. RESPONSES

Second party

- 6.1 In response, the Planning Authority notes that the issues raised in the appeal are similar to those raised in the submission received on the original application.
- 6.2 In terms of use, the sheds will provide ancillary storage and a condition has been attached to the Council's decision in this regard.
- 6.3 It is concluded that the proposed works, subject to condition, would not seriously injure the residential amenities of properties in the vicinity and would, therefore be in accordance with the proper planning and sustainable development of the area.

First party

- 6.4 The applicant's architect responded to the third party appeal with the following comments:
- Any gas Murco Ltd. hold is for calibration of leak detectors – the concentration level is significantly lower than the explosive or toxic limits.
 - Sheds will be used to store bulky metal and plastic enclosures.
 - Access to Murco Ltd. will not be altered – access is through the existing lane.
 - No modification of the main roof is required – sheds are free-standing.
 - Enforcement of traffic laws is a matter for the Council and Gardaí.

7. PLANNING HISTORY

- 7.1 There is no planning history on the appeal site.

8. DEVELOPMENT PLAN

Dún Laoghaire-Rathdown County Development Plan, 2010

- 8.1 The appeal site is within the area covered by the Dún Laoghaire-Rathdown County Development Plan, 2010-2016, and has a zoning objective 'MTC': *'to protect, provide for and/ or improve major town centre facilities'*.
- 8.2 The site is also within the boundary of the proposed Dún Laoghaire Local Area Plan.

9. ASSESSMENT

- 9.1 Planning permission is sought for the erection of 2 no. freestanding prefabricated metal sheds to the side of an existing business involved in the distribution of gas detectors and gas sensors.
- 9.2 The sheds will provide ancillary storage for the business within an existing open space area (approximately 120 sq.m) to the side of the main building. At present this area is overgrown and it is proposed to place the sheds on a concrete hardstand with the remainder of this area laid out in permeable paving.
- 9.3 The sheds themselves will each have a floor area of 12 sq.m. and ridge height of 2.6m. A single door will be located in the front gables of the sheds and no windows are proposed. The structures will sit along the north-western boundary with front gables facing towards the main building. The south-western boundary will be 3.283m from the sheds and the north-eastern boundary will be as close as 6.767m.
- 9.4 A third party appeal has been lodged by the owner of the 2-storey commercial premises that fronts onto George's Street Lower and bounds the appeal site to the south-west. A new apartment development currently under construction also adjoins the appeal site to the west and north.
- 9.5 The grounds of appeal relate mainly to the siting of the existing business in what is considered to be an unsuitable location. The appellant is concerned that the use of the proposed sheds for storage of highly explosive gas cylinders could present a serious threat to life and property in the vicinity. The appellant has also raised other issues relating to the existing business in terms of traffic and access and the possible presence of asbestos within the main building.
- 9.6 From the outset, it should be noted that the existing business is long established at this location and therefore any matters regarding its current operation are not up for discussion here. Furthermore, I do not consider that there is any issue with respect to intensification of use and consequential traffic impacts arising from the construction of 2 no. small scale ancillary shed structures. As noted by the applicant, any existing issues concerning traffic and parking are matters for the relevant authorities.

- 9.7 The appeal site is on lands zoned 'MTC' - *to protect, provide for and/or improve major town centre facilities*'. The existing use on site might be considered light industrial. 'Industry – General' and 'Science and Technology Based Industry' are open for consideration under this zoning objective. 'Office Based Industry' is permitted in principle. I would be satisfied that the existing use falls under one of these use types and therefore no consideration arises with respect to extension of a non-conforming use.
- 9.8 In terms impact on the amenities of the area, I do consider that the proposed structures will be visually obtrusive given their small scale. The roofs of the structures may be visible from the adjoining apartment complex. However, the resurfacing of the area to the side of the main building will present an overall positive visual impact.
- 9.9 The appellant's concerns relate mainly to the type of substances that might be stored within the proposed sheds. As noted by the Planning Authority, this is a health and safety issue and not a planning consideration. From a planning viewpoint, I consider that the ancillary use of the sheds for storage associated with the existing business is acceptable in principle.

RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Dún Laoghaire-Rathdown County Development Plan. I recommend that planning permission be granted for the proposed development based on the reasons and considerations hereunder and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective and the established nature of the existing business, together with the small scale and ancillary use of the proposed sheds, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed sheds shall be used solely for use ancillary to the existing use associated with the premises.

Reason: To protect the amenities of the area.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Donal Donnelly
Inspector

25th June 2014