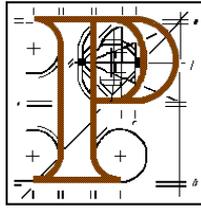


An Bord Pleanála



Inspector's Report

PL16.245272

DEVELOPMENT:

Description: Construction of a storage yard area
Address: Knockalegan, Crossmolina, County Mayo

PLANNING APPLICATION

Planning Authority: Mayo County Council
Planning Authority Reg. No: P.15/28
Applicant: Allied Gear Services
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: John McLoughlin
Types of Appeal: 3rd Party –v- Grant
Observers: None
Date of Site Inspection: 12/11/15

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL16.245272 relates to a third party appeal against the decision of Mayo County Council to issue notification to grant planning permission for a new storage yard area used for the storage of scaffolding. The grounds of appeal argue that the proposed development is located too close to a residential area and would therefore seriously injure the amenities of residents in the area.

2.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the eastern environs of the village of Crossmolina in north-west Mayo approximately 400 metres from the village centre. The N59 National Secondary route (Crossmolina to Ballina Road) is located approximately 120 metres north of the site. The site is rectangular in shape and is located adjacent to an existing residential enclave, St. Patrick's Avenue which comprises of approximately 20 houses with direct access onto the N59.

The site is accessed via a separate roadway which runs to the north along the rear boundary of dwellings which face onto the northern side of the residential enclave. This access road serves a number of industrial/office type units including a unit owned by the current applicants which is located at the end of the access road. It is proposed to extend this access road to provide access and egress to the proposed open storage yard. The road extension is currently under construction and a new light industrial unit, to be served by this road extension, is currently nearing completion. This new light industrial unit is located to the immediate south of the proposed storage yard.

The eastern boundary of the site is located along the common boundary of the rear garden of no. 17 St. Patrick's Avenue and the adjacent existing storage unit owned by the applicants. Currently the existing scaffolding storage area is located to the rear of this unit. The eastern boundary of the site is well landscaped. Planting is less dense along the northern and, particularly the north-eastern boundary of the site (between the site and number 16 St Patrick's Ave). Outline planning permission exists for a dwelling on lands to the immediate north of the site, adjacent to the rear gardens of houses that front onto the western side of St Patricks Ave. The site itself is rectangular in shape, is under grass and has a stated area of 0.308 hectares.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for a storage yard area to serve the existing warehouse/office unit which is located on the adjacent site to the east. Originally it was proposed that the southern two thirds of the site would be converted to hard-standing for open storage with the remaining northern part be kept free from development and retained in its natural state. However as part of the additional information submitted to the Planning Authority under the current application, the hardstanding was reduced to approximately 0.137 hectares or 45% of the entire site. A low retaining wall with a 1.8 metre high palisade fence on top is to run through the centre of the site separating the open space from the hardstanding area. A planted bunded area circa 2.2 metres in height is to run along the northern side of the retaining wall and palisade fence. The southern portion of the site which accommodates the storage yard is to be excavated to a maximum depth of about 1 metres in the area adjacent to the retaining wall. A stone water drain is to be constructed centrally within the hardstanding area. The drain is to connect to the existing stormwater drain serving the development to the east of the site. The open yard area is to be used for the storage of scaffolding equipment.

4.0 PLANNING AUTHORITY'S DECISION

The application was lodged on the 25th January 2015. A covering letter submitted with the application stated that

- The storage yard will be used for the storage of scaffolding only.
- Delivery/collection from the storage yard will take place 4-5 times a week.
- Operational times shall be confined to the hours of 8.00a.m. - 8.00p.m. weekdays and 8.00a.m. - 2.00p.m. Saturdays.

A submission from the National Roads Authority requested that the Council abide by official policy in relation to development on/affecting national roads.

4.1 The Planning Authority's Request for Additional Information

On 19th March 2015 Mayo County Council requested additional information in respect of the following:

- Revised drawings showing a reduced storage area (referred to already above).
- Clarification of specific point made in the covering letter (point number 4)
- Further landscaping proposals.
- Further details in respect of a noise assessment.
- Further details in relation to storm water sewer.

4.2 Additional Information Submitted

Further information was submitted on 22nd June 2015. The further information stated the following:

- The storage area has been reduced as per the Planning Authority's request (0.137 hectares). A noise impact assessment has been submitted. It concludes that the noise levels at the nearest noise sensitive receptor will be lower than the criteria set down by Mayo County Council (45dBA) due to attenuation measures proposed. Noise levels will be significantly lower than the current operations on site.
- Further details in relation to landscaping were submitted.
- Plans and longitudinal sections of the storm water sewer were also submitted.

The **Planner's Report** notes the observations on file, (current appellants) objecting to the proposal. Details of the planning history relating to the site and its surrounding are also set out in the report. It was noted that planning permission was refused for a similar development by An Bord Pleanála on grounds relating to residential amenity (see planning history below). It is also noted that the previous application incorporated more storage area which occupied the entire site with the exception of a small buffer zone around the perimeter. The Planner's Report suggests that an increase in the buffer zone and removing the proposed storage area away from the nearest noise sensitive receptors (no. 17 & 18 St. Patrick's Avenue) successfully addresses the issue and has overcome An Bord Pleanála reason for refusal.

It is therefore recommended that planning permission be granted subject to 16 conditions. The decision was dated July 2015.

5.0 PLANNING HISTORY

One relevant appeal file is attached. Under PL16.241239 Mayo County Council issued notification to grant planning permission for a storage yard on the appeal site. This was subject to a third party appeal by the same appellants in the case of the current application and appeal before the Board. The grounds of appeal argue that the proposed development would adversely impact on residential amenity. Notwithstanding the Inspector's recommendation to uphold the decision and grant planning permission for the proposed development, An Bord Pleanála in its decision dated 22nd February 2013, issued a refusal of permission for the following reason.

'Having regard to the pattern of development in the area, to the nature and scale of the proposed development and the location of the proposed development which would wrap around an existing residential enclave, it is considered that the proposed development would intensify the commercial activity to the detriment of the amenities of adjoining residential properties. The proposed development would therefore seriously injure the amenities and depreciate the value of property in the vicinity.'

In deciding not to accept the Inspector's recommendation to grant planning permission, the Board was not satisfied that preferable alternative locations for the proposed development that would better protect the residential amenities of the area are not available.

The Planner's Report makes reference to a number of other planning applications in the vicinity of the site none of which are particularly pertinent to the current application before the Board.

It is noted under reg. ref. P13444 Mayo County Council granted outline planning permission for the construction of a dwellinghouse and domestic garage on lands to the immediate north of the site and to the immediate west of nos. 8, 9 and 10 St. Patrick's Avenue. This decision was dated 18th April 2014.

Under Reg. Ref. P13/445 outline planning permission was granted to a dwelling on lands to the north of the subject site. Partial details are contained on file. The decision was dated 16th April 2014.

Under Reg. Ref. P13/278 permission was granted in October 2103 for a light industrial warehouse unit on lands to the south at Knockalegan.

6.0 GROUNDS OF APPEAL

A third party appeal was submitted by John T. McLoughlin on behalf of the residents of the adjoining residential enclave at St. Patrick's Avenue.

- Concern is expressed regarding the proximity of the proposed development to dwellings in St. Patrick's Avenue in particular nos. 9, 10 and 17. Many in the estate are elderly.
- The amount of pollution arising from cleaning scaffolding is significant. The residential area is down-wind and this presents a significant health risk to the residents.
- There is significant noise pollution relating to the loading and unloading and cleaning of scaffolding.
- The construction of the yard will reduce the value of residential property in the vicinity.
- There is also fear of a temporary building being erected on the site at a future date.
- There is also a fear of non-compliance with regulations in respect of the existing warehouse and scaffolding yard. The estate is becoming encircled by commercial property which is changing the character of the area.
- Concern is expressed at the outline planning permission relating to the site to the north of the appeal site would be rendered useless due to its close proximity to the proposed development.
- The proposed development impinges on the appellant's rights to live in a clean healthy noise free environment in the declining years.
- It is noted that the Board have already refused planning permission for the proposed development on 26th February 2013.

The grounds of appeal were signed by a number of residents on the estate.

7.0 APPEAL RESPONSES

7.1 Applicants Response to the Grounds of Appeal

A response was received from the applicants Allied Gear Services. The response is detailed below.

It states that Allied Gear Services are a major employer in Crossmolina and the company have invested a lot of money into the area since it established in 2006. The yard extension is critical to survival of the company which provides commercial scaffolding and specialised clean scaffolding for pharmaceutical companies. Less than half the site will be

used as a storage yard and the design changes incorporated have been to appease the appellants. It is noted that other applications were lodged for similar type industrial developments in the vicinity and the applicants did not object to these developments.

The proposed storage yard no longer runs parallel to house no. 17 and has been significantly reduced in area. It will also be separated by heavy screening. The proposed yard will not operate directly against the boundary of any residential properties. The relocation of the storage area will effectively improve conditions for the residents of St. Patrick's Avenue. With regard to the cleaning of scaffolding material, most cleaning of the items is carried out on pick up from sites before stacking for transport. The proposed working yard will not have any additional cleaning works and will have much better screening than those of the existing yard.

With regard to the noise impact, the findings of the noise impact assessment carried out for the proposed yard is submitted with the response to grounds of appeal. This clearly illustrates that the noise effect would be reduced and will represent an improvement over the existing yard. There will be no health risk from pollution or noise arising from the proposed development.

The existing industrial park has had no impact on house prices and this is clearly indicated in an advertisement for a house which sold within the estate in 2013 (see appendix 4 of response).

There is no intention of erecting a temporary structure on site and this cannot be done without the benefit of planning permission.

The existing warehouse and yard meet all required Building Regulations and other Regulations. It is also rejected that St. Patrick's Avenue is becoming encircled in industrial development. Most of the houses back onto open fields. The proposed development would be compatible and would not impact on the amenity of the house which has the benefit of outline planning permission on the site to the north (reg. ref. P13445).

Mayo County Council have accepted the findings of the noise impact assessment and the efforts incorporated to ensure further screening in order to buffer the impact from the residents in question.

7.2 Mayo County Council's Response to the Grounds of Appeal

With regard to impact on residential amenity, it is considered that the 6 metre green buffer zone (the Board will note that the buffer zone is substantially wider than this) and the 2.2 metre high planted mound will screen the development from residents in the vicinity. The revised boundary to all intents and purposes is an extension of the existing rear boundary of the warehouse to the east and therefore does not extend the commercial area - beyond the existing commercial area. Therefore there will be no further reduction in the value of property. Any future development of the lands in question will be the subject of further applications for permission and cannot be considered at this stage. With regard to non-compliance with Regulations, this is not a matter to be considered at development management stage. It must also be noted that the current proposal is a marked improvement over the original proposal which was refused.

8.0 DEVELOPMENT PLAN PROVISION

There is no specific zoning provision or local area plan developed and adopted for Crossmolina. With regard to the County Plan, the following is relevant

In terms of economic development strategy it is the policy of the Council to encourage and promote enterprise and employment development at appropriate locations in the county in accordance with the core strategy and settlement strategy and through the implementation of various economic development objectives which are set out in the plan (objectives E012, E06). There are numerous policy statements contained throughout the plan which seeks to ensure that any new development safeguards residential amenity.

9.0 PLANNING ASSESSMENT

The key issue before the Board in determining whether or not the proposed development is in accordance with the proper planning and sustainable development of the area is whether the proposed development successfully overcomes the reason for refusal issued under PL16.241239.

9.1 Noise and Amenity Issues

Under the previous application planning permission was sought for an outdoor storage area in the northern section of the site. The storage area was located adjacent to the north-eastern and northern boundary of the site and therefore was in closer proximity to the houses on St. Patrick's Avenue. Under the current application, it is proposed to relocate the storage area to the south whereby the northern boundary of the storage area will be 22 metres from the rear elevation of nos. 17 St. Patrick's Avenue, the closest dwelling to the site. Under the previous application the separation distance was estimated to be in the order of 10 metres. The proposal therefore represents a doubling of distance. Furthermore it is proposed to excavate the site approximately 1 metre below existing ground levels along the northern boundary of the site. In addition it is proposed to construct a mounded area, 2.2 metres in height which will be seeded and planted in the form of an earth berm. Earth berms are particularly effective in absorbing and attenuating noise propagation.

I further note that the previous application on site did not include any detailed noise assessment arising from the proposed development. A noise assessment report was submitted with the current application prepared by NVM Consultants. This report compared noise generation associated with the existing site (i.e. the area to the rear of the existing warehouse unit to the south of no. 17 St. Patrick's Avenue) with the proposed site. Noise levels at the existing site ranged from between 46-57dB(A) L_{Aeq} . Noise levels at the proposed site are estimated to be in the range of 47-50 dB(A) L_{Aeq} . Factoring in the increases in distance between the proposed development and the nearest noise sensitive location (circa 35 metres) together with the attenuation due to screening at the proposed site, the resultant anticipated noise level from the proposed site at the nearest noise sensitive location is estimated to be in the region of 30dB(A)¹. If the assumptions are correct in the above model, noise levels specifically generated by the proposed development would be inaudible at the nearest noise sensitive location. As noise generated from the proposed storage yard would be in excess of 10dB(A) below both the baseline L_{Aeq} and L_{90} . As such noise generated by the proposed development would not contribute in any meaningful way to baseline or background noise levels in the area.

¹ This relates to the actual noise levels specifically attributed to the activity being undertaken on the site as opposed to background noise levels experienced in the wider area.

In terms of my assessment of the Noise Report submitted, I would comment as follows; At its closest point the proposed storage yard is estimated to be circa to 30 metres away from the rear of no. 17 St Patricks Avenue and not 35 metres as indicated on the noise assessment. Notwithstanding this comment the location of the proposed storage yards represents an increase in distance, (c.5 meters) over and above the existing storage yard to the rear of the existing premises to the east of the site. The incorporation of significant planting within the buffer zone to the north of the storage area and more particularly the construction of a 2.2 metre high berm together with the reduction of ground levels to the immediate south of the berm, resulting in an attenuation barrier circa 3 metres in height should significantly attenuate noise propagation from the storage yard. In this regard I consider the noise assessment assumption that noise levels will be reduced by a minimum of 10dBA to be reasonable. Overall therefore I consider it can be reasonably expected that noise levels will be reduced by levels in excess of 10dBA (due to the presence of a barrier and the increase in distance) which is a significant reduction in my opinion.

I therefore consider that the relocation of the existing scaffolding storage area to the proposed storage open yard would represent a significant planning gain in amenity terms for the residents of St. Patrick's Avenue. It appears from the applicant's response to the grounds of appeal that the existing storage yard to the rear of the applicant's unit and adjacent to the rear garden boundaries of no. 17 and 18 is to cease storage use on foot of the proposed development. A handwritten note on the map contained on appendix 2 of the appeal response indicates that the existing storage yard is to be relocated to the proposed storage yard. I would recommend that the Board in granting planning permission incorporate a condition requiring that the storage of scaffolding to the rear of the existing unit cease from the time the proposed storage yard becomes operational.

Finally in relation to the issue of noise and disturbance I note that the loading and unloading of scaffolding is to take place 4-5 times a week and condition no. 5 of the Planning Authority's grant of planning permission has confined operations to normal business hours. This in my view will further reduce the potential impact of the proposed development on the amenities of the area.

9.2 *Other Issues*

With regard to other issues raised on the grounds of appeal any issues regarding pollution are not material considerations in my view. The relocation of the yard further away from the appellant's dwelling will reduce any potential for air pollution in the form of future dust emissions etc. The incorporation of a large berm along the northern boundary of the storage area will also assist in intercepting future dust. Water pollution is not an issue as all surface/storm water used in the cleaning of scaffolding will be collected in a designated storm and collection sewer.

Any concerns in relation to further temporary buildings on site are not a material consideration any such works would require the benefit of planning permission. With regard to compliance with future Regulations, it is an automatic requirement that the applicant shall comply with any regulatory matters concerning the proposed development or else face of appropriate enforcement proceedings.

11.0 Appropriate Assessment

The nearest Natura 2000 site is located 200 meters to the north of the site. It is the River Moy SAC (Site Code 002298). Lough Conn and Lough Cullin SPA (Site Code 004298) is located just less than one km to the south east. All drainage associated with the site is collected in a storm water sewer and discharged to the public drain. There will be no direct discharges into any water course in the vicinity. Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, 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.

10.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above I consider the proposed development represents an appropriate extension of an existing and established building on the adjoining site. The relocation of the storage yard to a location further south than that originally refused under reg. ref. PL16.241239 together with the proposed planting in the buffer zone and the construction of a berm along the northern boundary of the

storage yard will significantly and appropriately address the issues concerning noise and disturbance as indicated in the noise impact assessment submitted with the planning application. I therefore consider that the proposed development is acceptable and recommend that planning permission be granted.

DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based in the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that subject to compliance with conditions set out below the proposed development would not seriously injure the amenities of the area or property in the vicinity by reason of excessive noise and disturbance, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 [as amended by the further plans and particulars submitted on the 22nd day of June 2015, 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and 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.

3. As soon as the proposed storage yard becomes operational, the storage of scaffolding in the existing yard to the rear of the existing unit as shaded blue in the map contained in Appendix 2 of the applicant's response to the grounds of appeal received by the Board on 31st August 2015 shall cease.

Reason: In the interests of protecting residential amenity.

4. All necessary measures shall be taken by the contractor to prevent the spillage and deposit of clay rubble or other debris on adjoining roads during the course of works.

Reason: To protect the amenities of the area.

5. The mounded and landscaped berm together fencing as indicated on the drawings submitted to the Planning Authority on 22nd June 2015 shall be in place prior to storage operations commencing on site. Details of the proposed construction of the berm and landscaping of both the berm and the open space in the area to the north of the retaining wall including a timeframe for the implementation of the landscaping shall be submitted to Mayo County Council for agreement within three months of any grant of permission. Details of all tree species, boundary treatment and mounding shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

6. The stocks of scaffolding to be stored on site shall not exceed a height of 2.2 metres.

Reason: In the interest of visual amenity.

7. Operations shall be confined to between the hours of 0900 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1400 hours on Saturdays with no activities being permitted on Sundays or bank holidays.

Reason: In the interest of residential amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. The noise levels shall not exceed 55dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

10. 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 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.

Reason: 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.

**Paul Caprani,
Senior Planning Inspector.**

19th November, 2015