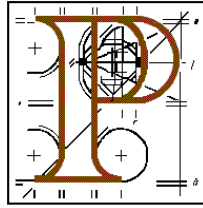


An Bord Pleanála



Inspector's Report

Appeal Ref. No:	PL26.245800
Proposed Development:	Retain and complete steel portal framed shed (part built) for the storage of paint and decoration materials, including power washers and trailers, with sealed bunded area, roof water storage tanks and associated site works.
Location:	Shanowle, Horetown, County Wexford
Applicants:	Paul Moran
Planning Authority Reg. Ref:	20150895
Planning Authority:	Wexford County Council
P.A. Decision:	Grant with conditions
Appeal Type:	Third Party
Appellants:	David Whelan
Observers:	None
Date of Site Inspection:	18 th February 2016
Inspector:	Hugh Mannion

1. SITE AND SURROUNDINGS

The site has a stated area of 0.9ha and is located at Shanowle, Foulksmills, County Wexford. The area is located south of the N25 Wexford town to New Ross road about 17kms due east of Wexford town. The area is rural and the dominant land use is agriculture. The public roads in the area between the site and the N25 are generally narrow, without median lines, footpaths or public lighting. The site adjoins a cross roads but there are no commercial uses in the immediate area – immediately to the south and south east of the site are farm houses/farmyards. Immediately north are three houses on individual sites. The applicant was previously granted permission for the closest of these houses to the application site and that house has now been constructed.

The site is generally a triangle whereby the acute angle points south onto the Shanowle crossroads. The site is accessed through a gated entrance at the crossroads. There are thick hedges generally of native species on the east and west boundaries and a lower clipped evergreen hedge separates the partially built shed from the closest dwelling house on the site to the north. The existing shed is 5m at the roof apex, is roofed, painted green, has ‘Kingspan’ sheeting from the roof down the sides but is open for about 1.75m from ground level. The lodged plans show this lower area being filled in with ‘wall’ if permission is granted. The floor area is about 110m².

2. PROPOSED DEVELOPMENT

The proposed development comprises the retention and completion of a steel portal framed shed (part built) for the storage of paint and decoration materials, including power washers and trailers, with sealed bunded area, roof water storage tanks and associated site works at Shanowle, Foulksmills, County Wexford.

3. HISTORY

The present application is part of a larger site in relation to which Paul Moran (the applicant in this case) made applications for a dwelling house under reference number **22032188**, and revisions to that house under reference number **22062726**. This house has been built and is located immediately north of the present application site.

On the adjoining site which is/was in the ownership of the appellant permission was granted under reference number 20081797 for a house/garage but this does not appear to have been built.

4. PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 9 conditions.

The **planner's report** recommended a grant.

The **Senior Executive Scientist (Environment)** recommended a grant subject to conditions.

5. THIRD PARTY APPEAL

The grounds of appeal may be summarised as follows;

- The proposed development is so close to the party boundary as to devalue the appellant's property.
- The development is unsightly when viewed from the appellant's property.
- The site is being used for the sale/hire of car parts, power washers, trailers, decorating apparatus.

6. APPLICANT'S RESPONSE

The applicant responded to the appeal as follows;

- The applicant runs a painting and decorating business from Shanowle.
- The shed is less than 5m high, has a small footprint, and is not on the boundary with the appellant's property and more screen planting will be provided on this boundary. There is good screening and a number of mature trees between the application site and the appellants' property.
- Unused paints and water are correctly treated on site.

- The appellant has benefited from a number of grants of planning permission in the area.
- The shed is used for storage and visited about 3 times per week – the proposal will not give rise to additional traffic.

7. PLANNING AUTHORITY RESPONSE

The planning authority responded to the appeal that it had no further comments to make.

8. OBSERVATIONS

There are no observations on file.

9. FURTHER SUBMISSIONS

There are no further submissions.

10. PLANNING POLICY FRAMEWORK

The site is on land which is unzoned in the Wexford County Development Plan 2013/2019.

The area is designated in 'lowland' in the landscape character assessment set out in Chapter 14 of the Plan and illustrated in Map 13 attached to the Plan. The Plan comments in relation to this type of area that;

The lowland unit generally has characteristics which have a higher capacity to absorb development without it causing significant visual intrusion although, care still needs to be taken on a site by site basis, particularly to minimise the risks of developments being visually intrusive.

11. ASSESSMENT

11.01 The issues to be considered in relation to this case are the principle of development on site, road safety, visual impacts, impacts on adjoining property, waste water treatment and AA.

11.02 Principle of development.

11.03 The County Development Plan (at 18.15.2) sets out a number of criteria for considering enterprise developments which include considerations of vehicular safety, building design, and in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

11.04 Generally speaking it is preferable that commercial enterprise be located on zoned and serviced lands where public investment has already provided roads, sewers and other services. However the proposed development is a relatively modest development associated with a permitted residential use which, subject to other criteria such as landscape impact, emissions, road safety and impact on residential amenity would be acceptable in terms of the proper planning and sustainable development of the area.

11.05 Road Safety

11.06 The speed limit on the local road fronting the site is 80kms. The public road has no footpaths or public lighting in the area of the site entrance. The planning authority states that the sight distance required at the junction is 65m and that this achieved. The application does not include a drawing demonstrating this sight distance.

11.07 Given the modest form of the proposed development, the remote location and the limited capacity of the proposal to generate traffic movements I consider that the proposed development will not generate additional traffic movements which would materially affect the carrying capacity or safety of the public road network in the area.

11.08 Visual Amenity

11.09 The proposed development is located in an area described as lowland for the purposes of landscape character assessment in the County Development Plan. The Plan recognises that these areas have some capacity to accommodate additional development. The proposed development is not visible from any of the Landscapes of Greater Sensitivity illustrated on Map 13 of the Plan.

11.10 Having regard to the screening along the eastern and western boundaries, the modest scale and height of the shed proposed for retention and its colour I conclude that it will integrate into farmyard structures in the area and will not unreasonably impact on the visual amenity of the area.

11.11 Residential Amenity

11.12 The appeal makes the case that the proposed development is too close to the site's eastern boundary with the appellant's property, will be unsightly when viewed from that property and will devalue the appellant's property.

11.13 The appellant's property has the benefit of a grant planning permission for a dormer bungalow under planning reference 20081797. Relying on the site layout drawing submitted with that application I estimate that the proposed bungalow will be about 60m from the boundary with the application site and the shed proposed for retention will be another 4m to 5m west of that boundary.

11.14 Having regard to this separation distance, the screening along the eastern boundary of the application site and the scale and form of the shed proposed for retention I consider that it will not be intrusive from the appellant's landholding and will appear as one of a number of sheds and outbuildings in the immediate area.

11.15 I conclude that the proposed development will not injure the amenity of adjoining property.

11.16 Emissions

11.17 The proposed development will produce no wastewater emissions. I recommend a condition requiring details of the bunded area to guard against accidental spillage to be agreed with the planning authority.

11.18 Appropriate Assessment

11.19 Having regard to the nature and scale of the proposed development, nature of the receiving environment and the absence of any emissions from the shed I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12. RECOMMENDATION

Having regard to the foregoing I recommend a grant of permission for the reasons and considerations, and subject to the conditions, set out below.

Reasons and Considerations

Having regard to the nature and modest scale of the proposed development and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to traffic hazard or injury to visual or residential amenity and would otherwise accord with the provisions of the Wexford County Development Plan 2013 to 2019 and 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 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the proposed use. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting.
 - (iii) Details of roadside/street planting.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of

the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

4. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. An impermeable bunded area providing not less than 110% storage capacity by volume of the expected paint and liquid decoration materials proposed to be stored on site shall be provided. Prior to the commencement of the proposed use details of this storage area shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest public health and the prevention of water pollution.

6. Details of the external finishes of the shed shall be submitted to and agreed in writing with the planning authority prior to the commencement of the proposed use.

Reason: In the interest of visual amenity.

7. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed:-

- (a) an L AeqT value of 55dB(A) during the period 0800 to 1800 hours from Monday to Saturday (inclusive), and
- (b) an L AeqT value of 45dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to

Community Response” as amended by ISO Recommendations R 1996/1, 2 and 3, “Description and Measurement of Environmental Noise”, as appropriate.

Reason: To protect the amenities of properties in the vicinity of the site.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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.

Hugh Mannion
Planning Inspector
8th March 2016.