



An
Bord
Pleanála

Inspector's Report PL06F.248034

Development	Change of use of existing light industrial building to provide a builders merchant use, all internal and external alterations and associated works.
Location	Former An Post Depot, Kilbarrack Industrial Estate, Kilbarrack, Dublin 5
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F16A/0529
Applicant	Murdock Distribution Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Breslin
Observer(s)	<ol style="list-style-type: none">1. Sean Nolan2. Gregg Martin Crash Repair3. Thomas Harkin4. Denise Wilson
Date of Site Inspection	11 th May 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.62 ha, is located in Kilbarrack Industrial Estate, on the eastern side of Kilbarrack Parade, which is a cul-de-sac, accessed from the Kilbarrack Road (R104). The site accommodates a large industrial type building, which was most recently in use as a depot for An Post, as well as parking and yard areas. The structure is set back from the road, and the boundary treatments to all sides comprises a palisade fence.
- 1.2. The site is bounded by a number of smaller industrial/commercial type units to the north, a residential area to the east (Verbena Lawn), Naomh Barróg GAA club to the south, and Kilbarrack Parade to the west. There are also a number of large industrial premises on the western side of Kilbarrack Parade. Howth Junction and Donaghmede train station is located c. 220m to the west of the appeal site.
- 1.3. The existing structure on the appeal site has a stated floor area of 2,573 sq m, and is a single storey structure of concrete portal frame construction with an asbestos roof. It has a maximum height of 5.8m.

2.0 Proposed Development

- 2.1. The proposed development consists of the change of use of the light industrial building to provide a builders' merchant use and internal and external alterations, including:
 - Provision of stock display area with ancillary offices and staff facilities.
 - Removal of windows, introduction of new windows, removal of three roller shutters and introduction of two roller shutters.
 - Reconfiguration of car park (currently 50 spaces) to provide 38 spaces and loading area.
 - Signage to elevations and 4.4m high totem signs.
- 2.2. I noted on my site inspection that construction work was being undertaken at the appeal site, and that some of the proposed works to the elevations have already been partially completed.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to grant planning permission subject to nine conditions, including the following:

- C3: Fascia sign on western elevation to be omitted and replaced with smaller sign adjacent to entrance door. Revised drawings to be submitted for agreement.
- C4: No further advertisement signs without a prior grant of planning permission.
- C5: Developer to submit details of how delivery manoeuvres will be kept separate from pedestrian circulation areas and parking areas.
- C6: Opening hours of 07:30 to 17:30 Monday to Friday and 08:00 to 13:00 on Saturday, with no opening on Sundays or public holidays.
- C7: No windows on eastern elevation unless otherwise agreed by planning authority.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Proposed change of use and associated alterations are considered acceptable in principle within the zoning objective for the area.
- Change of use and external alterations are not out of keeping with character of the surrounding area.
- Totem signage and fascia signage is acceptable, however fascia sign indicating opening hours and type of goods for sale is excessive. A small plaque at the entrance door advertising opening hours may be acceptable.
- Alterations and signage will not give rise to any adverse impacts on residential amenity.

- Opening hours are not specified, other than on drawing of signage, but can be conditioned to protect residential amenity.
- Proposal will not give rise to any adverse impacts in terms of dust.
- Third party objections with regard to increase in volume of traffic are noted but Transportation Planning Section has not raised any objection in this regard.

3.3. Other Technical Reports

3.3.1. Water Services:

- No objection subject to conditions.

3.3.2. Transportation Planning:

- Reduction of parking provision from 50 to 38 parking spaces is acceptable.
- Potential for conflict between delivery vehicles and pedestrians and cars accessing the parking areas. Delivery areas and turning areas should be segregated. There is adequate space to meet this requirement and further information is required.

3.4. Prescribed Bodies

3.4.1. Irish Water: No objection subject to conditions.

3.5. Third Party Observations

3.5.1. Forty third party observations were made. The issues raised were generally as per the appeal, and can be summarised as:

- Traffic congestion.
- Noise and dust pollution.
- Impact on Naomh Barróg GAA club.
- Potential late-night opening and impact on residential amenity.
- Reference in application to window on east elevation, which is not shown on drawings. Any such window would give rise to security and privacy issues.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. F05A/0329:** Permission granted for: widening of existing vehicular access to the site and erection of new automated sliding entrance gate; increased width and height of existing sectional door opening; installation of new sectional door to the front of the existing building; and reconfiguration of parking.

4.2. Surrounding Area

- 4.2.1. **Reg. Ref. F13A/0401:** Permission granted for erection of CO2 storage tank with protective fencing and gates in yard in front of Unit 1B1, Kilbarrack Industrial Estate, Kilbarrack Parade, Dublin 5.
- 4.2.2. **Reg. Ref. F07A/0750 & F07A/0750/E1:** Permission granted and subsequently extended for concrete hurling training wall at Naomh Barróg GAA Club.
- 4.2.3. **Reg. Ref. F02A/1457:** Retention permission granted for six lighting standards at Naomh Barróg GAA Club.
- 4.2.4. **Reg. Ref. F99A/1049:** Permission granted for construction of a clubhouse and changing facilities, community room, lounge bar, office and ancillary accommodation at Naomh Barróg GAA Club.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The site is governed by the policies and provisions contained in the Fingal Development Plan 2017-2023. The site is zoned 'GE', to provide opportunities for general enterprise and employment.
- 5.1.2. A 'builders provider/yard' is a permitted in principle use under the 'GE' zoning objective. Appendix 4 of the Development Plan provides Technical Guidance Notes for use classes, and defines a 'builder provider/yard' as "A building and/or land used for the storage, sale or hire of builders materials".
- 5.1.3. Relevant Objectives:

- **BALDOYLE 2:** Prepare a Masterplan for Baldoyle Industrial Estate and Kilbarrack Industrial Estate to guide and inform future development including improvements to signage and physical appearance, determine appropriate uses, provision for intensification of employment, and facilitate improvements to pedestrian access to and from Howth Junction Station and associated bus stops which can be implemented over the lifetime of the Plan.
- **DMS11:** Evaluate signage proposals in relation to the surroundings and features of the buildings and structures on which signs are to be displayed, the number and size of signs in the area (both existing and proposed) and the potential for the creation of undesirable visual clutter.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal was made by Mr John Breslin. The grounds of appeal can be summarised as follows:

- Application is misleading and does not accurately reflect the development as proposed. Reference to 'stock display area' and drawings identifying a shop area with shelving indicates that this is a DIY retail superstore of 5,500 sq ft in area.
- DIY superstore would result in serious traffic congestion, as appeal site is adjacent to Naomh Barrog GAA club, which has c. 1,000 members, including hundreds of children, and Kilbarrack Parade is already extremely busy since it is the only access to the industrial estate.
- Proposal to reduce existing off-street parking while increasing traffic volumes will contribute to kerbside parking and traffic hazard. Suggesting that reduction in parking is acceptable due to proximity of DART station is nonsensical, due to bulky nature of DIY building goods.
- Development is described as a distribution centre. This will entail articulated containerised vehicles accessing the site on a daily basis. No areas are identified for loading/unloading or staff parking.

- Number of staff and trading and delivery hours have not been specified.
- Proposed 4.4m high signs are unnecessary and will have a detrimental impact on the local area.
- The 20% of the floor area to be utilised as a DIY superstore will result in excess of 45-50% of the business.
- Use of structure should be limited to a use compatible with the previous warehousing use.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- The items raised in the appeal were taken into account during assessment of the planning application. No new issues arise.
- Request retention of Conditions 3 to 7 if permission is granted.

6.3. Observations

6.3.1. Four observations were received from Sean Nolan, Gregg Martin Crash Repair, Thomas Harkin and Denise Wilson. The issues raised were generally similar to the appeal.

6.4. Applicants' Response to Appeal

6.4.1. The applicants' response to the appeal can be summarised as follows:

- The proposed use is a builder merchants use, not a DIY superstore. The applicant operates builder's merchants in several locations, including on GE zoned lands in M1 Business Park, Fingal County. The applicant has no objection to a condition restricting the use to that for which permission has been sought.
- The proposed use is aimed predominantly at the trade sector and bulk building supplies and not the general public as is the case with retail warehouse uses operated by Woodies and B&Q.

- Appellant's claims regarding traffic congestion is based on the misconception that the use is a DIY superstore. FCC Transportation Planning Section had no objection to proposed development.
- Previous use of site as An Post depot was characterised by commercial vehicles, including vans, HGVs and articulated trucks entering and egressing the site on a continuous basis, as well as limited staff and visitor trips.
- Proposed use will not be materially different in traffic terms from the previous postal depot use.
- Proposed development will not impact on residential amenity and applicant has no objection to Condition 6 which restricts opening hours.
- Proposed totem signage is of acceptable size and scale and will be away from view of nearby properties. Totem signs are required due to substantial set back of building from the public road and the need to identify the site to commercial vehicles.
- Totem signage already exists on the road in close proximity to the appeal site. Such signage is typical in GE zoned areas. Applicant has no objection to conditions 3 and 4 which require reduced fascia signage and no additional signage without a prior grant of planning permission.

7.0 **Assessment**

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of Development.
- Roads and Traffic.
- Signage
- Residential amenity.
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1. The proposed development consists of the change of use of a light industrial building, which was most recently used as an An Post depot, to a builders' merchant. I consider that a 'builders' merchant' is equivalent to a 'builders provider/yard', which is defined in the Development Plan as a building and/or land used for the storage, sale or hire of builders materials, and which is a permitted in principle use under the 'GE' zoning objective which applies to the appeal site.
- 7.2.2. Notwithstanding this, the appellant contends that the description is misleading and that the proposed development will operate as a DIY superstore. In support of this position, the appellant makes particular reference to the area that is referred to as a 'stock display area' in the statutory notices, and a 'shop' on the drawings. The applicant has responded by stating that the principal use is the wholesale of goods to the building industry, with an ancillary component involving the sale of goods to the general public, which is indicated as representing 10-15% of sales.
- 7.2.3. I do not support the appellant's arguments with regard to the shop/stock display area. While bulk building goods will be stored in the warehouse, it is likely that this area will operate as a front-of-house area for liaising with customers, processing orders, accepting payment and for the display and sale of smaller items. While builders' merchants deliver materials/products directly to customers, it would also be typical of such operations for both building trade customers and the general public to utilise such a front-of-house area, and I do not therefore consider that it will represent a DIY superstore as contended by the appellant. Furthermore, the site is located in an industrial area, and I note that the opening hours indicated on the signage drawings are more typical of an operation primarily targeted towards the construction trade sector than the general public, with early opening on weekdays, half day opening on Saturdays and no late-night or Sunday opening. In contrast, a DIY superstore targeted at the general public would be more likely, in my opinion, to seek to maximise its weekend opening hours.
- 7.2.4. I am therefore satisfied that the proposed development is a builders' provider, where the sale of goods to the general public will be ancillary to the principal use of wholesaling builders materials to the construction industry. I therefore consider the proposed development to be acceptable in principle in this GE zoned area.

7.3. Roads and Traffic

- 7.3.1. The appellant contends the proposed development will result in serious traffic congestion and traffic hazard, due to the nature of the development and its proximity to Naomh Barróg GAA club. The applicant's response was that the appellant's claims are based on the misconception that the use is a DIY superstore, and that the traffic generation will not be materially different from the previous use of the site as an An Post depot. The applicant submitted a photograph of the site when it was in use as a postal depot, in which a number of An Post HGVs can be seen on-site.
- 7.3.2. Kilbarrack Parade is a busy cul-de-sac in close proximity to a DART station, and portions of the road feature double yellow lines and cycle lanes, as well as two bus stops. I noted on my site inspection that cars were parked along both sides of the road, including on the cycle lanes and on double yellow lines. I consider such parking to be an enforcement matter for the Local Authority and/or the Gardaí, as appropriate. Notwithstanding illegal parking in the area, Kilbarrack Parade roadway is in good condition, is of adequate width to accommodate two-way traffic, has footpaths and cycle lanes, and features stop signs and road markings at its junction with the R104. Having regard to the industrial nature of the area, and the previous use of the appeal site as a postal depot, I consider that the site is capable of accommodating HGV, van and car traffic associated with a builders' providers.
- 7.3.3. With regard to the appeal site's proximity to Naomh Barróg GAA club, the entrances to the two sites are separated by c. 75m, with the appeal site located further into the cul de-sac. There are no residential properties within the cul-de-sac, and therefore no patrons of the GAA club will have to pass the appeal site on their way to the GAA club. I also note that the cycle lanes on Kilbarrack Parade extend from the R104 junction to the GAA club. I consider it reasonable to conclude, therefore, that the proposed development will not result in a traffic hazard to patrons of the GAA club.
- 7.3.4. With regard to car parking provision, the proposed development includes a total of 46 parking spaces (38 car parking spaces and 8 van parking spaces). I note that the development description in the statutory notices only referred to the 38 car parking spaces. The Development Plan does not specify car parking requirements for builders providers, but the Planning Authority's Transportation Planning Section has considered the provision to be acceptable when the constituent parts of the building

are considered against the requirement for warehouse and distribution (maximum 1 per 100 sq m) and retail warehouse (maximum 1 per 30 sq m). Having regard to the nature of the use I consider that the proposed car parking provision is acceptable, but I share the Transportation Planning Section's concerns regarding the potential for conflict between manoeuvring HGVs and pedestrians/cars in the yard area to the south of the building. If the Board is minded to grant permission, I recommend a condition requiring details of how commercial vehicles will be segregated to be submitted to the Planning Authority for agreement prior to commencement.

- 7.3.5. Subject to this condition, I consider the proposed development to be acceptable in terms of car parking provision and I do not consider that it will result in a traffic hazard or cause significant additional traffic congestion.

7.4. **Signage**

- 7.4.1. The proposed development includes four signs. On the front (west) elevation, it is proposed to erect a 1.285m x 9.5m banner sign, over a 2.99m x 5.0m sign which outlines the range of goods available and the proposed opening hours. A 0.5m x 3.02m sign is proposed over the entrance door and a two-sided totem style sign is also proposed in the north west corner of the site, which is 4.4m high and features two 2m x 2m signs. The Planning Authority omitted the 2.99m x 5.0m sign by way of Condition and imposed a second Condition restricting the erection of any further signage without a prior grant of planning permission. The appellant contends that the totem signs are unnecessary and will have a detrimental impact on the local area.
- 7.4.2. The existing building on the appeal site is set back between 17m and 20m from the public road. Having regard to this set-back and the 2.4m palisade fence which surrounds the site, I consider it reasonable to provide a standalone totem sign as proposed. The sign will not intrude on sightlines at the access point to the site and is not illuminated. With regard to the scale of the sign, I consider that it is appropriate relative to the scale of the building and in the interests of traffic safety, by ensuring a suitably high level of visibility for large commercial vehicles seeking to find the site.
- 7.4.3. With regard to the 2.99m x 5.0m sign advertising product range and opening hours, I do not concur with the Planning Authority's view that this sign is excessive, having regard to the set-back from the road and the otherwise relatively blank and

featureless nature of the front (west) elevation of the building. I therefore recommend that no change to the signage is required, although I do recommend a condition restricting the erection of any additional signage without a prior grant of planning permission.

7.5. Residential Amenity

- 7.5.1. Having regard to the relatively modest nature of the physical alterations to the existing building, the long-established industrial/warehousing use of the appeal site and surrounding area, and the previous postal depot use of the building, I do not consider that any significant impact on residential amenity will occur as a result of the works associated with the proposed development.
- 7.5.2. The Planning Report accompanying the application refers to the insertion of a new window on the eastern elevation. However, drawing No. 204 indicates that the east elevation is to remain as existing. In the interests of clarity, and having regard to the presence of residential areas immediately to the east, I recommend a condition be included to clarify that no window shall be inserted on the eastern elevation without a prior grant of planning permission.
- 7.5.3. With regard to the proposed change of use, I do not consider that the proposed builders' providers use will result in any significant impact on residential amenity, although in order to ensure that significant noise impacts do not arise, I recommend that the hours of operation and delivery hours be restricted by way of condition.
- 7.5.4. Although the proposed hours of operation are not outlined in the application documentation, I note that the signage shown on drawing No. 204 indicates that the proposed opening hours are 07:30 to 17:30 from Monday to Friday and 08:00 to 13:00 on Saturday. I consider these opening hours to be reasonable and consistent with the preservation of residential amenity.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development, which relates to the change of use of an existing structure and associated works to that structure, in an established and serviced industrial area outside of any Natura 2000 sites, 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.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objectives for the area and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 external finishes shall be the same as those of the existing premises in respect of colour and texture.

Reason: In the interest of visual amenity.

3. 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.

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) 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. No new window shall be inserted on the eastern elevation of the building without a prior grant of planning permission.

Reason: In the interests of residential amenity.

6. The hours of operation shall be between 07:30 hours and 17:30 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturday. The unit shall not operate on Sundays or public holidays. No deliveries shall be taken at or dispatched from the premises and no manoeuvring of vehicles or goods outside of the premises shall occur outside of these hours.

Reason: To protect the residential amenities of the area.

7. Site development and building works shall be carried out between the hours of 0800 hours to 1900 hours Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of properties in the vicinity.

8. Provision shall be made for loading bays within the site. Details of this provision including swept manoeuvring paths, bay dimensions, and segregation of commercial vehicles from pedestrian circulation areas and car parking areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety

Niall Haverty
Planning Inspector

12th May 2017