



An
Bord
Pleanála

Inspector's Report PL06S.248966

Development	New vehicular access to serve unit 2, boundary fencing and related works.
Location	Units 2 and 3, Besser Drive, Clondalkin, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0143
Applicant(s)	David Donnelly
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Transway Trailer Ltd.
Observer(s)	No observers
Date of Site Inspection	9 th November 2017
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site is located within an established industrial estate in Clondalkin, South County Dublin. The subject units form part of a terrace of light industrial/warehouse buildings within an existing cul de sac. Unit no. 2 currently has a shared vehicular entrance with Unit 3.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a new separate vehicular entrance for Unit 2. The development also provides for the erection of a new boundary fence between Unit 2 and 3. The steel fence and gate will match existing boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To grant permission subject to conditions. Conditions of note include:

Condition 4: No gate to be installed or erected shall be capable of opening across any public footpath, cycle path, roadway or right of way and any front entrance pillars shall be a maximum height of 1.2 m.

Condition 5: Air quality and dust management measures.

Condition 6: Noise control measures.

3.2. Planning Authority Reports

3.2.1. Planning Report (05.07.2017)

- The principle of amendments to access arrangements at an existing industrial development is acceptable at this location.
- The proposed development would be visually acceptable.
- It is considered that issues relating to rights of way are not a matter for the Planning Authority.

3.2.2. Other Technical Reports

Roads Section (22.06.2017): No objection subject to conditions.

Water Services Planning Report (09.06.2017): No objection subject to condition.

3.3. Prescribed Bodies

Irish Water (12.06.2017): No objection. All works to comply with Irish Water Standard details.

TII (01.06.2017): No comment.

3.4. Third Party Observations

Transway Trailers Ltd.

- Objects to the boundary fencing element of the proposal as it will block access to Unit 4d Besser Drive.
- Notes that a right of way exists in relation to a route to the rear of Unit 4d and Unit 6 which operates as both a pedestrian and vehicular access. Closure of the access would restrict access to the CVRT test centre located to the rear of Unit 4d.

4.0 Planning History

4.1 No recent planning history pertaining to the site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative development plan is the South Dublin County Development Plan 2016-2022. The subject site is zoned EE: *“To provide for enterprise and employment related uses.”*

Policy ET1: *It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.*

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

Transway Trailer Ltd.

- Notes that the company occupies two of the four commercial units within the existing terrace, on either side of the application site (units 2 and 3). Rear access to all of the units is provided via the westernmost entrance serving Unit 1. A right of way has been established to the rear, and occupants of all the units utilise this to gain vehicular and pedestrian access to their properties.
- The application proposes to construct a fence to the rear of units 2 and 3 which would block the access to the rear of adjoining units in this industrial terrace. This would prejudice this existing right of way.
- The route is also utilised as the primary vehicle entrance point to the Commercial Vehicle Roadworthiness Testing (CVRT) Centre and the subject fence would block this route. This would impact negatively on their business and cause a traffic hazard by impeding vehicle turning circles.
- The application also includes fencing to the front of units 2 and 3. No auto track drawings have been submitted to demonstrate that the subdivided yard spaces are large enough to accommodate the turning movements of HGV's. If the yards are insufficient to facilitate such turning movements, it means that trucks will be forced to reverse onto Besser Drive which would result in a traffic hazard.
- The proposed fencing would result in the loss of parking area. Furthermore, the new entrance will result in the loss of two on street parking spaces. This may result in additional haphazard parking along Besser Drive contributing to traffic congestion.

- The development will result in the loss of a section of footpath along Besser Drive. This will have a negative impact on pedestrian safety.

6.2. Applicant Response

- Notes that consultation has taken place with the appellant who have agreed to withdraw their objections relating to the fencing to the front of the property, loss of parking and removal of the pedestrian footpath. Their concern regarding the fencing to rear of unit 2 and 3 and its potential impact to the existing right of way remains.
- Requests that a condition is imposed to amend the application to omit the proposed fencing to the rear of the units.
- Response has been co-signed by the General Manger of the Transway Group.

6.3. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

6.4. Observations

- No observations.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Traffic
- Appropriate Assessment

7.2 Principle of Development

- 7.2.1 The proposed development comprises the creation of a new vehicular entrance from Besser Drive to serve one of the industrial units (no. 2). It is understood that the units were previously occupied by one tenant. They are now, however, in separate use and thus there is a requirement to provide an independent access to each unit. The development also provides for a new steel fence and gate to be erected along the mutual boundary between units 2 and 3.
- 7.2.2 It is considered having regard to the established nature of the existing industrial uses on the site, that the principle of the proposed works is acceptable in principle.
- 7.2.3 It is noted that the primary issue of concern to the appellant is the erection of the proposed boundary fence to the rear of units 2 and 3. It is understood that a right of way exists along the rear of the units which provides pedestrian and vehicular access to all of the units. It is detailed that this right of way is in the process of being formalised legally. The erection of the fence to the rear of the units would restrict access and impede vehicular and pedestrian movement.
- 7.2.4 I would concur with the opinion of the Planning Authority that matters pertaining to rights of way are normally outside the scope of assessment in a planning application. In this instance, however, it would appear, that the existing vehicular access to the rear is of significance to the operational requirements of the appellant's business.
- 7.2.5 The applicant has submitted in their response to the appeal that an agreement has been reached with the appellant regarding this rear access and that they are happy to omit the fence to the rear of the units in order to maintain this existing access route.
- 7.2.6 I have no difficulty with this proposal and consider that there are no adverse impacts from a planning perspective by omitting the fence to the rear of the units. It is considered that this measure would alleviate the primary concern of the appellant and can be addressed by way of appropriate condition.

7.3 Traffic and Parking

- 7.3.1 According to the co-signed document submitted by the applicant in response to the appeal, the appellant has withdrawn their objections in relation to traffic and parking.

7.3.2 The proposed vehicular access is provided within an existing industrial estate and will serve an established commercial unit. The Traffic Department of South Dublin County Council have no objection in principle to the proposed entrance. I am satisfied that the entrance will not give rise to any traffic hazard. In terms of parking, the new entrance will result in the loss of two on street parking spaces. It is noted however, that there is sufficient parking within the front yards of the existing units and the loss of these spaces is unlikely to result in haphazard parking on the estate roads. In terms of the loss of footpath, it is noted that this section of footpath terminates at the site boundary and does not continue westwards along Besser Drive. In this regard, it will not impact significantly on pedestrian facilities. It is considered that the development will not give rise to any traffic issues or generate a traffic hazard.

7.4 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development comprising a new entrance and boundary fence to an established industrial unit on serviced land within an existing urban area, and the distance 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.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the zoning objective of the site and the character of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed new vehicular entrance and boundary treatment would not significantly detract from the character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development 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. 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. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, a revised site layout plan indicating the removal of the boundary fencing to the rear of Units 2 and 3.

Reason: In the interest of traffic and pedestrian safety.

4. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the Applicant's own expense.

Reason: In the interest of pedestrian safety.

Erika Casey
Senior Planning Inspector

9th November 2017