



An
Bord
Pleanála

Inspector's Report ABP-300335-17

Development	Elevation changes to existing warehouse and construction of open-sided loading bay and associated works
Location	Woodlawn Road, Ballycasheen, Killarney, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/899
Applicant(s)	Blue Melon Management
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Con Duggan
Observer(s)	None
Date of Site Inspection	22 nd February, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located at the eastern end of the town of Killarney in County Kerry. It is in an area in which there are an established number of warehousing and factory units. The site is bounded to the north and south by warehouse units and is accessed from the public road to the south by way of a service road serving these units. There is a warehouse on the site in which household furniture and associated products are stored. The front curtilage comprises a concreted area.

2.0 Proposed Development

2.1. The proposed development would comprise elevational changes to the existing warehouse and the construction of an open-sided loading bay. The new loading bay would be located to the front of the existing warehouse and would abut an adjoining warehouse (the appellant's property). The elevational changes would provide for the relocation of signage to the front of the proposed loading bay. The loading bay would provide an additional floor area of 61.3 m². The site is stated to be 0.1777 hectares in area.

3.0 Planning Authority Decision

3.1. Decision

On 3rd November, 2017, Kerry County Council decided to grant permission for the proposed development subject to four conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history relating to this location, development plan policy, reports received, and the objection made. The issue raised by the objector relating to the removal of a sign on the objector's property was considered a civil matter. It was considered that no clarification was required on other matters raised

and that the development would have no impact on residential amenity. A grant of permission was recommended.

3.2.2. Other Technical Reports

The Fire Officer had no objection to the proposal.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland set out requirements to be met.

3.4. **Third Party Observations**

An objection to the proposal was received from Con Duggan. The grounds of appeal reflect the concerns raised.

4.0 Planning History

P.A. Ref. 04/204207

Permission was granted to sub-divide an existing warehouse to five units.

P.A. Ref. 07/204673

Permission was granted to construct a store shed.

P.A. Ref. 12/205313

Permission was refused for removal of existing warehouse building on this site, and construction of a new biomass combined heat and power plant and associated distribution pipes through the Killarney road network. On appeal to the Board (PL 63.240951), permission was refused on 23rd April 2013.

5.0 Policy Context

5.1. Killarney Town Development Plan 2009-2015

Zoning

The site is zoned 'Industrial Warehousing'.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be synthesised as follows:

- The proposed development is in contravention of the Killarney Town Development Plan with regards to car parking standards. The existing building, including mezzanine level, would require in excess of 8 no. spaces. The intensification of development will result in an associated intensification of traffic and trip generation and demand for parking. There is a concern that the existing right of way could be used for parking.

- The proposal will encroach on the appellant's business premises, including a window/sign on the elevation which is currently the subject of an appeal to the Board (ABP Ref. PL 08.249296). The loading bay could be removed or set back so not to encroach on the amenities offered by the window sign.
- Other issues raised include:
 - There is a concern that the covered loading bay could be used for additional warehousing, leading to overdevelopment.
 - The presence of a mezzanine floor has not been included in the application drawings.
 - It is necessary to identify the use of the warehouse unit. There may be pre-existing residential uses that should be quantified.

6.2. Applicant Response

I have no record of any response to the appeal from the applicant.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. I consider that the relevant issues relating to the proposed development are parking and access, the impact on adjoining premises, and clarity on the existing uses of the warehouse on site.

7.2. Parking and Access

7.2.1 I note that the established warehouse is located in an area where primarily warehouse-type uses prevail. The warehouse is served by a service lane that serves it and a number of other warehouses. This service road accesses the public road within the speed limit control zone for Killarney and access to and from the service road onto the public road does not pose any particular traffic hazard. The established warehouse is set back from the service road and has an extensive forecourt area.

This area provides sufficient access and turning facilities to accommodate large delivery vehicles serving the warehouse. There are no concerns about access arrangements into and out of the site itself for vehicles associated with the established use.

7.2.2 The extensive forecourt area does not have designated car parking spaces laid out. However, the surfaced area has ample space to accommodate parking for vehicles associated with staff needs and visitors. In the event of the development of the proposed loading bay, the opportunity to adequately provide for parking needs would remain. Further to these observations, I note that the planning authority raised no concerns about the inability of the proposed development to meet with development plan parking requirements.

7.2.3 In conclusion, I consider that there are no access and parking concerns arising from the proposed development. I am of the opinion that the proposed development would be a compatible addition and would not undermine the functioning of the building or result in excessive demands for parking beyond the curtilage of the site. It would not constitute overdevelopment of the site.

7.3 Impact on Adjoining Uses

7.3.1 I acknowledge the appellant's concerns relating to the impact of the proposed loading bay on a window/sign on the southern elevation of his warehouse structure. Further to this, I note the appeal before the Board under Appeal Ref. PL 08.249296, part of which related to the retention of this window on the southern elevation. The Board decided to grant permission for the development sought by the appellant but expressly required the window on the southern elevation to be omitted and permanently closed up for reasons that included the protection of the development potential of the adjoining property to the south (i.e. the appeal site).

7.3.2 Having regard to the above, it is apparent that the window/sign on the southern elevation of the adjoining warehouse is unauthorised and is required to be omitted. The proposed loading bay would, thus, have no notable effect on the appellant's property and is considered an acceptable addition to the established warehouse.

7.4 Existing Uses on the Site

7.4.1 The appellant has raised concerns about the presence of a mezzanine floor and a pre-existing residential use within the site. The Board should note that I undertook a site inspection that included an inspection within the warehouse. This is a warehouse that stores large household goods, inclusive of furniture and other such products. There was no evidence of an additional floor within the building or any residential use of any part of the warehouse.

8.0 **Recommendation**

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 **Reasons and Considerations**

Having regard to the pattern of development in the vicinity and to the requirement for the omission of the window on the southern elevation of the appellant's property in accordance with Condition 2 of the decision under Appeal Ref. PL 08.249296, it is considered that 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 the 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. Details of all external finishes to the loading bay and associated signage shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

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.

Kevin Moore
Senior Planning Inspector

20th March 2018