



An
Bord
Pleanála

Inspector's Report ABP-302076-18

Development	Retention of developments and Construction of shed
Location	Demailestown, Wilkinstown, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	KA180083
Applicant(s)	Ronan O'Reilly T/A Ornan Kitchens
Type of Application	Permission and retention permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Noeleen Tolan and Bernard McPhillips
Observer(s)	None
Date of Site Inspection	14 th November 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.52 ha, is located in a rural area in the townland of Demailestown, c. 2.2km south east of Wilkinstown and c. 6.4km north of Navan, in County Meath.
- 1.2. The appeal site is irregularly shaped, and it is located on a backlands site to the rear of an existing dwelling, (which is stated as being owned by the applicant's parents), with its own entrance via a laneway onto a local road to the north east. There is a significant amount of one-off housing in the area, and a cul de sac roadway is located to the south east of the appeal site, serving a number of dwellings. The appellants' dwelling is located along this cul de sac, and it backs onto the appeal site to the north west.
- 1.3. The appeal site is occupied by an a commercial/industrial facility (Ornan Kitchens) and associated yard and ancillary development. The boundaries are defined by mature hedging, with a raised embankment and fence along the south eastern boundary (i.e. the boundary with the appellants' dwelling).

2.0 Proposed Development

- 2.1. The development for which retention permission is sought consists of:
 - Mezzanine first floor.
 - Single storey office area to side of existing showroom.
 - Amendments and alterations to plans and elevations previously granted under Reg. Ref. KA/141033.
- 2.1.1. The proposed development for which planning permission is sought consists of:
 - Construction of a single storey material storage shed (357 sq m).
 - Construction of a single storey shed for timber off-cuts (97 sq m).
 - External fire escape stairway to existing mezzanine floor.
 - Alteration of existing site boundaries.
 - Ancillary site and enabling works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council decided to grant planning permission and the following condition is noted:

- **C3:** Activities on site shall not give rise to noise levels off site, at noise sensitive locations, which exceed the following sound pressure limits ($L_{Aeq, 15 \text{ mins}}$):
 - 8am to 8pm Monday to Friday (inclusive): 55dB(A)
 - 8am to 2pm Saturday: 55dB(A)
 - Any other time: 45dB(A)

In addition, there shall be no clearly audible tonal component or impulsive component in the noise emission from the site at any noise sensitive location.

Reason: In the interest of public health and proper planning and development.

3.2. Planning Authority Reports

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

- Principle of commercial development at this site has been established and it is in compliance with the policies set out in the Development Plan.
- The retention element of the development is considered acceptable as the first floor show room has not resulted in an increase in height of the building and it is not considered that it overlooks the neighbouring property. The office and toilet development is acceptable also.
- The design and location of the proposed buildings is acceptable.
- Site is located off a local road at a point where sight distances are quite favourable and where the road network is in reasonable condition.
- The yard area provides for ample on site parking.
- Stage 2 Appropriate Assessment is not required.

- Applicant's response to the request for further information is acceptable.

3.3. Other Technical Reports

- 3.3.1. **Water Services:** No objection, subject to conditions.
- 3.3.2. **Transportation:** No objection, subject to condition regarding dimensions of car parking spaces.

3.4. Prescribed Bodies

- 3.4.1. None.

3.5. Third Party Observations

- 3.5.1. One third party observation was received from the appellants. The issues raised were generally as per the appeal, as well as the following:
- Overlooking and loss of privacy.
 - Odour issues.
 - Review of operating hours sought.
 - Storage of flammable materials and potential safety issues.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. KA/141033:** Permission granted for construction of a single storey extension to the front and sides of existing business premises consisting of 22.9 sq m of office space, 141.2 sq m of showroom and 322.7 sq m of manufacturing area and all associated site development works.
- 4.1.2. **Reg. Ref. KA/140755:** Permission granted for retention of existing building, consisting at ground floor level of manufacturing area 181.9 sq m, storage area of 154.9 sq m with showroom at mezzanine level of 59.0 sq m (total of 395.8 sq m) and permission to construct a new wastewater treatment system and percolation area

with new toilet facilities in existing building and all associated site development works.

- 4.1.3. **Reg. Ref. NA/30306:** Withdrawn application for retention of an existing building used for the manufacture of timber fireplace surrounds and kitchen units with office and showroom at first floor level and existing entrance and service yard. The proposed development will consist of the construction of a staff canteen and toilet and installation of a septic tank with proprietary effluent treatment system.

4.2. Surrounding Area

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

- 5.1.1. Section 4.4.1 of the Development Plan relates to rural enterprise and states, *inter alia*, that “once off medium to large scale rural enterprise can only be located in the open countryside if it is demonstrated, to the satisfaction of Meath County Council, that the enterprise can be more readily accommodated in a rural setting than provided in a designated settlement centre and subject to standard development management considerations being applied. It is equally accepted that there are certain types of rural enterprises, especially those that involve processing of natural resources or serve rural communities which have a critical role to play in sustainable rural development”.
- 5.1.2. It goes on to state that “the promotion and facilitation of micro enterprises (up to a maximum of 5 employees) is a key area for sustainable employment opportunities in rural areas. Meath County Council will seek to facilitate the development of this sector by ensuring that incubator units for micro enterprises are provided in lower tier centres (Small Towns and Villages) as well as considering their individual appropriateness in rural nodes and possibly, the open countryside”.
- 5.1.3. The following Policies are noted:

- **ED POL 17:** To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises.
- **ED POL 19:** To recognise the contribution of rural employment to the overall growth of the economy and to promote this growth by encouraging rural enterprise and diversification generally and to promote certain types of rural enterprise, especially those activities which are rural resource dependent, including renewable energy production, food production / processing and the extractive industries.
- **ED POL 20:** To normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.
- **ED POL 21:** To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met:
 - (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council;
 - (ii) the development will enhance the strength of the local rural economy;
 - (iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area;
 - (iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;
 - (v) the proposal is in accordance with the policies, requirements and guidance contained in this plan;

(vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network.

- **ED POL 22:** To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This objective shall not apply to the National Road Network.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located within or immediately adjacent to any sites with a natural heritage designation. The closest such sites are the River Boyne and River Blackwater SAC and SPA (Site Codes 002299 and 004232, respectively) which at their closest point are c. 5.4km to the south west of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One third party appeal was lodged by Noeleen Tolan and Bernard McPhillips. The issues raised can be summarised as follows:

- Excessive noise levels from applicant's yard.
- Letters submitted with appeal from the applicant, agreeing to erect a fence if the objection was withdrawn.
- Another business also operates from the site.
- Devaluation of appellants' property.

6.1.2. In addition to the letters referenced above, the appellants also included a copy of their earlier observation to the Planning Authority, as well as an observation on the response to the request for further information which had been deemed invalid.

6.2. Applicant Response

6.2.1. None.

6.3. Planning Authority Response

6.3.1. The Board is referred to the Planner's report for the application.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

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

- Principle of proposed development.
- Design and layout.
- Residential amenity.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. Principle of Proposed Development

7.2.1. Policies ED POL 17 and ED POL 19 of the Development Plan seek to encourage the growth of rural enterprises, while Policy ED POL 20 seeks to normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area or generate traffic of a type and amount inappropriate for the standard of the access roads.

7.2.2. Similarly, Policy ED POL 22 seeks to support rural entrepreneurship and the development of micro businesses (generally less than 10 No. employees) in rural

areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic.

- 7.2.3. Notwithstanding the rural location and lack of zoning of the appeal site, the business premises (Ornan Kitchens) based at the appeal site is a permitted and relatively long-established development. I consider that the development and expansion of the enterprise is in accordance with the abovementioned economic development policies of the Development Plan and that it is acceptable in principle, subject to consideration of the planning issues identified in Section 7.1 above.

7.3. **Design and Layout**

- 7.3.1. The development for which retention permission is sought consists of a single storey office area to the side of the existing showroom, a mezzanine first floor within the showroom and amendments and alterations to plans and elevations previously granted under permission Reg. Ref. KA/141033. The total additional gross floor area for which retention permission is sought is stated to be c. 173 sq m. I consider that these alterations and additions to the showroom building are consistent with the character and design of the building and are generally acceptable. I note that the windows serving the mezzanine level are located on the front (north east) elevation, with no windows on the side (south east) elevation facing the appellants' property. While it is proposed to locate an external fire escape stairway and door on the side (south east) elevation, serving the mezzanine floor, I note that there is already an internal stairs serving the mezzanine level and the fire escape stairs is therefore likely to receive only occasional use and I consider its location to be acceptable.
- 7.3.2. The proposed materials storage shed would have a stated GFA of 357 sq m and a maximum ridge height of 6.17m. It comprises a rectangular building with what appears to be render finish to the lower walls, and grey cladding panels to the upper walls and roof. Two roller shutter doors are indicated on the front (south west) elevation, with a pedestrian door on each side elevation. There are no windows or signage indicated on the drawings. The proposed offcuts storage shed has a stated GFA of 97 sq m and a maximum height of 5.5m. It is of similar design and finishes to the proposed materials storage shed, albeit with a monopitch roof. One roller shutter door is indicated on the front (north) elevation, with a pedestrian door on the side elevation. I consider the design and layout of both sheds to be acceptable. They

complement the main manufacturing/showroom building in terms of materials and form and are well-located within the site, forming a courtyard arrangement around the yard area.

- 7.3.3. With regard to the potential impact on visual amenities, I note that the appeal site is located in a backlands area to the rear of a house stated as being occupied by the applicant's parents, and it is accessed by a dense hedge-lined laneway. The development is also partially cut into the landscape, with a retaining wall to the rear of the workshop/showroom building, and an earthen embankment along the south eastern boundary. The boundaries are also generally planted with hedging. As a result of these factors, the existing development is not readily visible from the public road or surrounding area, and I do not consider that the proposed development would result in any significant additional impact on the visual amenities of the area.
- 7.3.4. In conclusion, I consider the design and layout of the development for which retention permission and planning permission is sought to be generally acceptable, subject to consideration of its impacts on residential amenity.

7.4. Residential Amenity

- 7.4.1. The appellants contend that there is an excessive level of noise emissions from the appeal site and that it devalues their property. They have submitted a number of letters from the applicant to them, proposing the erection of a timber fence along the top of the bank between the two sites, should their observation be withdrawn. Their earlier observation to the Planning Authority, which was included with the appeal, also raises issues of odour, health and safety and overlooking.
- 7.4.2. On the date of my site inspection I noted that no solid fence had been erected along the bank between the sites, and I did not note any significant noise emissions in the yard area.
- 7.4.3. With regard to the issue of overlooking, I note that there are no existing or proposed windows at first floor (i.e. mezzanine) level facing the appellants' property. The windows on the front (north eastern) elevation may offer a very oblique view into the appellants' site, however given the separation distances (in excess of 30m), I do not consider that any unacceptable overlooking or loss of privacy arises. With regard to overlooking from the yard area, I consider that the existing earthen bank (c. 2m high)

and laurel hedging is effective in mitigating this impact, and I note that the only elements of the appellants' dwelling visible from the yard is the roof and the rooflights within the roof plane.

- 7.5. With regard to noise impacts, I note that the commercial/industrial enterprise is permitted at this location and that the structures for which permission is sought comprise sheds for storage purposes, not additional manufacturing areas. Similarly, retention permission is sought for additional office and showroom accommodation, not manufacturing areas. Considering the nature of the development to which the appeal relates, I do not consider that there is potential for significant additional noise emissions to arise, beyond those which may already arise from the existing manufacturing facility. Notwithstanding this, by providing space for additional material storage outside the manufacturing area, this may facilitate more intense use of the manufacturing area. I therefore consider it appropriate that conditions be put in place regarding operational noise and to ensure that the proposed storage sheds are not used for manufacturing processes.
- 7.6. Finally, with regard to the issue of devaluation of property, the applicant contends that the industrial premises pre-dates the appellants' dwelling and therefore could not have devalued it. This appeal relates solely to the development for which permission and retention permission is sought, with the principle of an industrial premises on the appeal site having been established by a prior grant of planning permission. Having come to the conclusion above that the development to which this appeal relates would be acceptable in terms of its design, layout and impact on visual and residential amenities, I do not consider that it would result in any material devaluation of property in the vicinity.
- 7.7. **Appropriate Assessment**
- 7.8. Having regard to the nature and scale of the development for which permission and retention permission is sought, which comprises the expansion of an existing kitchen manufacturing facility on a site which is not within or immediately adjacent to 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.

7.9. Environmental Impact Assessment

- 7.9.1. Having regard to the nature and scale of the development for which permission and retention permission is sought, the nature of the receiving environment and proximity to the nearest sensitive locations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 9.0 I recommend that retention permission and planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 11.0 Having regard to the scale, design, layout and purpose of the development and the pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the development would not seriously injure the visual or residential amenities of the area or property in the vicinity and would not conflict with the provisions of the Meath County Development Plan 2013-2019. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 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 9th day of May 2018 and the 1st day of June, 2018, 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 proposed structures referred to as an offcuts storage shed and materials storage shed on the Site Layout and Location Map drawing No. A1_01 submitted with the planning application shall solely be used for storage purposes ancillary to the manufacturing process, and no manufacturing processes shall be undertaken within these structures.

Reason: In the interests of residential amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only 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 property in the vicinity.

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2000 hours from Mondays to Fridays inclusive and during the period 0800 to 1400 on Saturdays.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

5. 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.

6. 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.

Niall Haverty
Planning Inspector

5th December 2018