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Bord  
Pleanála

## Inspector's Report

**ABP-304184-19**

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<b>Development</b>	Permission for Retention of free standing weather protection cover
<b>Location</b>	Between 65 & 64A Heather Road, Sandyford Industrial Road, Sandyford, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0966
<b>Applicant(s)</b>	Sleever International Ltd.
<b>Type of Application</b>	Permission for retention
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Dermot and Josephine Hicks 2. Rita and Bernard McCauley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> July 2019
<b>Inspector</b>	Emer Doyle

## **1.0 Site Location and Description**

- 1.1. The site is located within the Sandyford Industrial Estate to the east of Heather Road, Sandyford, Co. Dublin.
- 1.2. The stated area of the site is 0.275 hectares. The site comprises of an existing two storey warehouse unit at No. 65 Heather Road together with part of an adjoining site at No. 64A. No. 64 has been subdivided into a number of smaller units. The units are linked by a steel corridor with double doors on both sides and a ramp on both sides.

## **2.0 Proposed Development**

- 2.1. Permission sought for retention of free standing weather protection cover between units 65 and 64A Heather Road.
- 2.2. The development consists of a metal ramp with double doors on both sides and a corrugated roof cover. The height of the structure is c. 2.6m and the internal area is c. 8.34m<sup>2</sup>. Photographs are attached to the drawings submitted with the application of the existing structure.
- 2.3. Further information was submitted to the Planning Authority dated the 27<sup>th</sup> day of February 2019 which provided for details in relation to the use of the structure. Revised notices were submitted to the Planning Authority.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted by the Planning Authority subject to 1 No. standard condition. A note was attached to the decision reminding the applicant of Section 34 (13) of the Planning and Development Act 2000.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The first report expressed concern that the development would represent an intensification or change of use on the site. Clarification was required in relation to the purpose and use of the structure.

- The second report following the further information response considered that the structure would not result in the amalgamation of the units but rather provides a weather cover from one unit to the other.

Other Technical Reports

**Transportation:** No objection.

### 3.3. **Prescribed Bodies**

No reports.

### 3.4. **Third Party Observations**

Two third party objections submitted which generally reflect the issues raised in the appeal.

## 4.0 **Planning History**

### **D16A/0558**

Permission granted for new 2.2m wide x 2.25m high door set to south elevation at 64A Heather Road.

A note attached to the grant of permission stated the following:

Note: The laneway adjoining the subject development should not be used for storing goods or materials and should not be blocked at any time.

### **D16A/0415**

Permission granted for new 2.2m wide x 2.25m high door set to north elevation at 65 Heather Road

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### **Dun Laoghaire Rathdown County Development Plan 2016-2022**

The site is located in Zone 4 of the Sandyford Urban Framework Plan Area.

The site is zoned Objective LIW- Low Industry Warehousing - It is an objective of the Council to improve and provide for low density light industrial/ warehousing uses in Zone 4 of the Sandyford Business District.

## **5.2. Natural Heritage Designations**

None relevant.

## **5.3. EIA Screening**

- 5.3.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the development and an environmental impact assessment is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Two third party appeals have been submitted. The issues raised can be summarised as follows:

- The applicant is not the registered owner of 64A.
- No valid consent has been submitted by the registered owners, Tradecounter Ltd. and as such the appeal is invalid.
- Concerns regarding fire safety
- The unauthorised parking arrangement currently ongoing in the vicinity of No. 64 Heather Road exacerbates the need for a clear fire exit at the rear of the premises in the event of an emergency.
- The application contains an inaccurate description of the unauthorised structure and inaccurately states the use of the unauthorised structure.

### **6.2. Applicant Response**

- None submitted.

### 6.3. **Planning Authority Response**

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

### 6.4. **Observations**

- None submitted.

## 7.0 **Assessment**

7.1. The main issues in the appeal are those raised in the grounds of appeal. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Fire Safety
- Other Matters
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The application site is located in an area zoned for light industrial warehousing with an objective 'to improve and provide for low density warehousing/ light industrial warehouse uses'. The existing use of Sleever International Ltd. at unit 65 as a printing company is compatible with this zoning. The main use of No. 65 is for printing labels. The existing structure provides for a link between units 64A and 65. Unit 64A is a section of unit 64 which has been leased temporarily as an additional store for products used in the printing processes undertaken in unit 65 to facilitate busy periods. It is used for the storage of rolls of clear PET type film. It is stated in the further information response that the structure for which permission for retention is sought is a weather protection cover purely to ensure that goods and people stay dry when moving between the two independent units.

7.2.2. Having regard to the limited scale of 8.34m<sup>2</sup>, the use as a weather protection cover and the connection with the existing business at this location, I am satisfied that the retention of the structure is ancillary to the use of the two units at this location and in accordance with the land use zoning for the area.

### 7.3. **Fire Safety**

The primary issue raised in the two third party appeals submitted relates to fire safety.

7.3.1. It is considered by the appellants that the structure is a fire hazard which prevents emergency vehicles accessing the area between the two buildings.

7.3.2. It is clear from the Further Information Response that the structure is a minor development to be used on a temporary basis in busy periods as a weather protection cover to keep people and goods dry when moving between the units.

7.3.3. I note that the application was not referred to the Fire Department within the Council. The planner's report notes the third party comments in relation to emergency access, and states that 'Fire Certs etc. would be required outside of the remit of planning, and this is a matter for Fire Regulations and issuing of a fire cert and as such is covered by a separate code.' I concur with this view and consider that Fire Safety is not within the remit of the Board and as such is not a matter for the Board to adjudicate on.

### 7.4. **Other Matters**

#### 7.4.1. Unauthorised car parking

The appeals refer to a number of additional spaces that were created at the side of No. 64 which were impeding Fire Vehicle Access. These spaces were marked out in white paint and have since been removed by the applicant following enforcement by the Council. As such, I consider that this matter has now been addressed.

#### 7.4.2. Invalid application

I note that it is stated in the appeal submitted on behalf of Rita and Bernard McCauley and that this is an invalid application as the registered owner of No. 64A is Tradecounter Ltd. and the applicant only owns No. 65. The applicant clarified in the response to the Further Information request that No. 64A is leased under a short

term arrangement. The Planning Authority accepted this application as valid and the Board have no further role in this matter.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the existing development and the nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the existing 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 a grant of permission subject to the following:

## 9.0 **Reasons and Considerations**

Having regard to the zoning objective of the site as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022, the existing pattern of development in the vicinity and the associated use with unit No. 65, it is considered that subject to compliance with the conditions set out below, the development to be retained would be acceptable in terms of the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1. The development to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

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Emer Doyle  
Planning Inspector

16<sup>th</sup> July 2018