



An
Bord
Pleanála

Inspector's Report ABP-304398-19

Development	Retenion of wall and signage and permission for construction of single storey building.
Location	West Pier Road, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1123
Applicant(s)	POD Marine Ltd.
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant(s)	As Above
Observer(s)	None
Date of Site Inspection	30th July 2019
Inspector	Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.3. Planning Authority Reports	5
3.4. Internal Reports;.....	5
3.5. Third Party Observations	5
3.6. Submissions.....	6
Planning History.....	6
4.0 Policy Context.....	6
4.1. Development Plan.....	6
5.0 The Appeal	7
5.2. First Party Response.....	8
6.0 Assessment.....	9
7.0 Recommendation.....	14
8.0 Reasons and Considerations.....	14

1.0 Site Location and Description

- 1.1. The appeal site is located at the entrance to the West Pier in Dun Laoghaire, Co. Dublin. The southern boundary of the appeal site adjoins the West Pier Road.
- 1.2. The size of the appeal site is approximately 0.468 ha (1.15 acres) and the shape of the appeal site is irregular.
- 1.3. The subject site is currently in use as a boatyard where there are a number of boats stored.
- 1.4. The site is enclosed and secured with a large gate and high walls, approximately 2.5m – 3m high, facing onto West Pier Road.
- 1.5. The neighbouring use to the immediate west is a car scrap yard.
- 1.6. On the opposite side of West Pier Road there is a car park that adjoins a small halting site. The suburban dart line is located to the immediate south of the halting site.

2.0 Proposed Development

- 2.1. The proposed development is for retention of 750mm high section of rendered brickwork and provision for the proposed construction of 1 no. single storey building (345 sq. m.).
- 2.2. The proposed single storey building will comprise of the following;
 - Boat engine showroom
 - Storage and workshop at ground level
 - Office space at mezzanine level
 - Proposed vehicular and access gates
- 2.3. It is also proposed to provide signage as follows;
 - Wall signage on the southern boundary wall
 - 1 no. proposed tripod signage
 - 1.4m high perforated metal wall signage along eastern and northern site boundaries.

Additional information was sought for the following;

1. Investigate access road improvements
2. AA Screening and outline mitigation measures for the construction phase
3. Additional information in relation to a EIA pre-screening
4. Traffic Assessment
5. Rendered images in relation to the proposed development from different viewpoints

3.0 Planning Authority Decision

3.1. Dun Laoghaire Rathdown County Council issued a split decision **granting retention** permission of the rendered blockwork wall and signage along southern site boundary and **refused permission** for the proposed building and proposed vehicle and pedestrian access gates and wall signage on the southern boundary, 1 no. proposed signage tripod, proposed 1.4m high perforated metal wall signage along eastern and northern site boundaries, proposed ancillary landscaping and drainage works, removal of existing entrance gates and frame posts on southern boundary, existing barbed wire and metal brackets along eastern boundary and existing block works walls and concrete pad within site.

3.2. Dun Laoghaire Rathdown County Council decided to **refuse** planning permission for the following reason;

1. The intensification of future traffic generated during the construction (construction vehicles) and operational (customer traffic / deliveries / emergency vehicles) phases, would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the 'West Harbour Access Road'. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise and would also set an undesirable precedent at this location. The

proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposed uses are acceptable in principle.
- Conservation officer has concerns in relation to visual impact on the Harbour ACA. There are visual concerns in relation to proposed signage.
- The Transportation Report concludes that there are concerns in relation road safety traffic in particular in relation to access / egress route via the 'West Harbour Access Road'.
- The Transportation Report considered that the proposed development may be considered premature pending the road improvement works.

3.4. Internal Reports;

- Surface Water Drainage; - No objections.
- Transportation Planning; - Further information sought.
- Conservation Officer; - Additional information sought requiring the applicant to submit rendered images from various viewpoints.

3.5. Third Party Observations

There are no third party submissions.

3.6. Submissions

There is a submission from IW who have no objection to the proposed development.

Planning History

- No recent planning history on the appeal site.

4.0 Policy Context

4.1. Development Plan

4.1.1. Dun Laoghaire – Rathdown County Development Plan, 2016 – 2022, is the operational Development Plan. The appeal site is zoned Objective W ‘*To provide for waterfront development and harbour related uses*’.

4.1.2. There are 2 no. Specific Local Objectives relevant to the appeal site;

- Objective no. 14 – ‘to encourage the redevelopment of ‘The Gut’ adjacent to the West Pier to include improved access to the area’.
- Objective no. 93 – ‘to promote the development of the S2S Promenade and Cycleway’.

The following CDP designations are relevant;

4.1.3. The eastern boundary of the appeal site adjoins an ACA.

4.1.4. The northeastern boundary of the appeal site adjoins a proposed NHA.

4.1.5. The north and western boundary adjoining the site are designated South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC respectively.

4.1.6. On the opposite side of the West Pier Road there is a site designated TA ‘to provide accommodation for the travelling community’.

4.1.7. There is an objective to preserve views from Dunleary Road towards the appeal site.

5.0 The Appeal

5.1. The applicant submitted an appeal submission. The submission outlines details of the proposed development, a description of the site, planning policy, planning history, details of the proposed development and the decision of the planning authority. The following is the summary of the main grounds of appeal;

- It is contended that the Local Authority refusal reason is unfounded and out of proportion with the scale of the modest proposal.
- The level of activity generated by the proposed development will be limited. The number of staff employed at the site will be limited.
- The Local Authority is satisfied with the scale of the proposed development.
- It is contended that the alternative to the proposed development is to leave the site undeveloped.
- The proposal generates negligible traffic.
- The proposed development will result in the number of customers rising from the current number of three or four to around ten customers.
- Construction activity to accommodate the proposed development will not be intense.
- The report submitted by Dr. Martin Rogers, Traffic Assessment demonstrates that there will be ample road capacity to accommodate the proposed development.
- There are limited established uses in the vicinity of the subject site.
- There are 3 no. areas of public car parking at the western end of the Harbour Road.
- The public car parking on the West Pier proper has 28 no. spaces, the car park immediately south of the appeal site has 53 no. spaces and the car park at the westernmost part of 'The Gut' has 57 no. spaces. These car parks function without apparent difficulty.

- The Local Authority arranges a Christmas tree recycling facility every January in the western most of these car parks. This generates multiple traffic movements.
- The submitted traffic report concludes the following;
 - The existing traffic system works well
 - It is estimated that there is at least 93% spare capacity in place at present.
 - The predicted traffic generation is 8 movements at the site (7 in and 1 out).
 - The remaining capacity on the Harbour Road is 92%.
 - Conflict and queuing is minimal.
 - The traffic assessment concludes that there is no technical basis for the Planning Authority to state that the intensification of traffic generated by the proposal during the operational stage would endanger public safety.
 - The existing shuttle system is working well.
- There are no concrete proposals in relation to 'The Gut' set out in the County Development Plan.
- The Harbour Road was originally built as part of the 'metals' as access from the granite quarries in Dalkey to construct the harbour. There is also a coastal / amenity route designation for this road.
- The submission includes a number of alternative proposals however these alternatives are likely to be costly and would adversely impact on the existing architectural heritage.
- The proposal would bring legitimate activity to 'The Gut' an area that experiences significant anti-social behaviour.

5.2. Second Party Response

The Local Authority submitted a response stating that they had no further comments.

6.0 Assessment

I would consider that the principle issues are as follows;

- Principle of Development
- Traffic Safety
- EIA Screening
- AA Screening
- Visual Impact

6.1. Principle of Development

- 6.1.1. The appeal site is zoned Objective W *'To provide for waterfront development and harbour related uses'*.
- 6.1.2. The proposed development provides for the construction of a single storey building with a floor area of 345 sq. metres. The proposed building will provide for a boat engine showroom, storage and workshop and office at mezzanine level. The proposal also includes signage provision.
- 6.1.3. Table 8.3.19 of the County Development Plan sets out a matrix of permitted and open for consideration uses within lands zoned Objective W. A *'marine leisure facility'* is permitted in principle with lands zoned Objective W.
- 6.1.4. The appeal site also adjoins an Architectural Conservation Area and as such any proposal on the appeal site, including signage, is required to have regard to the immediate architectural heritage.
- 6.1.5. The proposed development, having regard to the activity proposed, is related to a marine leisure facility. As such the principle of the proposed development is acceptable.

6.2. Traffic Safety

- 6.2.1. The appeal site is located in an area known as 'The Gut' at the entrance to the western pier in Dun Laoghaire, Co. Dublin. There is only one access / egress route for vehicular / emergency traffic. The existing access / egress route, i.e. 'West Harbour Access Road' currently operates a shuttle system of one way traffic. The carriageway is 3.8m wide and the footpath is 1.3m wide.
- 6.2.2. The applicant has submitted a Traffic Assessment, prepared by Dr. Martin Rogers, and I would acknowledge the conclusions that the proposed development will generate minimal traffic. The proposal is an office / workshop structure which will consist of a workshop for maintenance of small boats and a display area and office at mezzanine level. The applicant submits that the existing undertaking generates negligible levels of traffic and the proposed development will make little difference to this.
- 6.2.3. The number of persons employed at the site is currently two persons and this may rise to four persons. The number of customers arriving at the site is currently three / four per day and this is expected to rise to ten customers per day. I would acknowledge that the submitted Traffic Assessment adequately demonstrates that there is sufficient capacity on the 'Harbour Road' to accommodate the traffic generated by the proposed development.
- 6.2.4. The zoning map no. 3 from the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022, includes a Specific Local Objective no. 14. Objective no. 14 states it is an objective *'to encourage the redevelopment of 'The Gut' adjacent to the West Pier to include improved access to the area'*.
- 6.2.5. The proposed development, should permission be granted, would represent a precedent for further future development in 'The Gut' area of the western pier, including neighbouring sites. In my view, based on the information available and having regard to the limited access / egress to the site, the proposed development

would set an undesirable precedent and would be premature until such point that a traffic management system is in place that would alleviate concerns in relation to public safety.

- 6.2.6. It is considered that the proposed development and the precedent that it would establish is premature until such time that an adequate traffic management system is in place to accommodate the redevelopment of the area. The proposed development, in terms of the intensification and the precedent that it would establish would give rise traffic hazard and would interfere with the safety and free flow of traffic on the public road.

6.3. **EIA Screening**

- 6.3.1. 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 proposed development and an environmental impact assessment is not required.

6.4. **AA Screening**

- 6.4.1. The Board will note that activities, plans and projects can only be permitted where it has been ascertained that there would be no adverse effect on the integrity of a Natura 2000 site, apart from in exceptional circumstances.
- 6.4.2. The Department of Environment, Heritage and Local Government Guidelines on 'Appropriate Assessment of Plans and Projects in Ireland, 2009,' recommend that the first step in assessing the likely impact of a plan or project is to conduct an Appropriate Assessment Screening to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives. The Guidelines recommend that if the

effects of the screening process are '*significant, potentially significant, or uncertain*' then an appropriate assessment must be undertaken.

- 6.4.3. The submitted AA Screening, which accompanied the planning application, assessed potential impacts of the proposed development on existing Natura 2000 Sites. The subject site is not actually located within a designated site, however there is an SAC (South Dublin Bay SAC, site code 000210) and an SPA (South Dublin Bay and Tolka Estuary SPA, site code 004024) located in close proximity to the appeal site. The West Pier site is situated approximately 8.5m from the boundary of the South Dublin Bay and River Tolka estuary SPA and 100m from the South Dublin Bay SAC, as the crow flies.
- 6.4.4. The qualifying interests for the SAC include mudflats and sandflats, annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand and shifting dunes. The qualifying interests for the SPA include 14 birds.
- 6.4.5. The proposed development will be fully serviced and there are no ecological pathways from the appeal site to any of the aforementioned designated sites. Having regard to the scale and nature of the proposed development I would not consider that the proposed development would have a significant effect on any European site. have a significant effect
- 6.4.6. I would consider that it is reasonable to conclude that based on the information on the file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, i.e. site code 000210 and site code 004042, in view of the sites conservation objectives and a stage 2 AA is therefore not required.

Visual Impact

- 6.4.7. The Conservation Officer, in her report, outlined concerns with the proposed development as the proposal has the potential to have an adverse visual impact on the Harbour ACA. The Local Authority sought additional information requesting the applicant to demonstrate the successful integration of the proposed development having regard to the potential impact on the ACA.
- 6.4.8. The submitted photomontages outlines the proposed single storey building within the receiving environment. I would consider, based on the submitted photomontages and a visual observation of the area, that the proposed single storey building is not visually obtrusive and would not detract from the established architectural heritage of the local area.
- 6.4.9. The revised drawings in the additional information submission omit the tri-pod signage and the proposed signage on the eastern boundary wall. I would consider that the removal of these signage proposals as illustrated in the additional information response would be an improvement and would adequately address concerns in relation to architectural heritage. The Conservation Officer objects to the metal security fence placed on the eastern boundary wall. I would concur with the Conservtaion Officer that this metal fencing would detract from the architectural character of the area given its scale and height relative to the pier walk.
- 6.4.10. I would conclude that the revised proposals, including the omission of signage, would address visual amenity concerns however the proposed security fencing is an issue and would represent a conflict with the County Development Plan objective to protect the architectural heritage of the local area. However should the Board favour granting permission a condition could be imposed providing for the removal of the security fencing.

7.0 Recommendation

I recommend a split decision in this case, (a) permitting the retention of the 750mm high section of rendered blockwork wall and signage along southern site boundary and (b) refusing permission for the proposed building and proposed vehicle and pedestrian access gates and wall signage on the southern boundary, 1 no. proposed signage tripod, proposed 1.4m high perforated metal wall signage along eastern and northern site boundaries, proposed ancillary landscaping and drainage works, removal of existing entrance gates and frame posts on southern boundary, existing barbed wire and metal brackets along eastern boundary and existing block works walls and concrete pad within site.

(a) REASONS AND CONSIDERATIONS

The permission is granted having regard to the nature and scale of the development, it is considered that subject to compliance with the condition set out below, the rendered blockwork wall and signage on southern boundary wall are acceptable in terms of visual amenity. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

1. The development shall be retained 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

(b) Reasons and Considerations

1. It is considered that the proposed development and the precedent that it would establish is premature until such time that an adequate traffic

management system is in place to accommodate the redevelopment of the area. The proposed development, in terms of the intensification and precedent established would give rise traffic hazard and would interfere with the safety and free flow of traffic on the public road.

Kenneth Moloney

Planning Inspector

30th August 2019