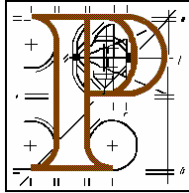


An Bord Pleanála



Inspector's Report

**Construction of Recycling Shed, Storage Bays, 7 no. stables and ancillary works
at Kingston and Carnuff, Navan, Co. Meath.**

Planning Application

Planning Authority: Meath County Council
Planning Authority Reference: NA/00801
Applicant: Tarstone Ltd.
Type of Application: Permission
Planning Authority Decision: Grant with Conditions

Planning Appeal

Appellant(s): Pauline Murray
Type of Appeal: Third Party –V- Grant
Observers: None

Date of Site Inspection: 16th February

Inspector: Suzanne Kehely

Appendices: Photographs of site

1 SITE LOCATION DESCRIPTION

The site relates to a road maintenance operation located on a reasonably quiet county road a rural hinterland area approximately mid-way between Navan/M3 to the west and Slane and N2 to the east.

The site has a stated area of 4.0288ha and a single vehicular entrance to extensive yard.

At present there is a small cottage (which is externally in good order but internally in poor order and appear to have been unoccupied as dwelling for a number of years) a two storey office building set back from the road with car parking to the front, There is a gated entrance to the yard and remainder of the site . There are a number of sheds along the western boundary and open storage bays to the rear of the office building. I also note that a wheel wash facility near the eastern boundary The existing large shed appear to be used for the storage of machinery/trucks. There is also another car park in the south east corner adjacent to a separate dwelling (appellant). A two metre high wall separates the parking area from the dwelling to the east.

There were a considerable number of tracks parked along the northern and eastern perimeters of the yard. The land to the north of the yard appears to be raised land as there is evidence of rubble and poor growth as compared to the more lush pasture land to the north.

The yard is well screened from the public road with mature hedging on its boundaries.

2 THE PROPOSED DEVELOPMENT

- Construction of storage shed 433 sq.m. for ancillary use to current activities on site.
- Construction of 4 external storage bays
- Construction of 7 no. stables, saddle room, storage area, associated Dungstead and salad effluent storage tanks and paddock area.
- Construction of a porch to the front of the existing office building
- Associated site works

3 PLANNING AUTHORITY DECISION

Written Comments

Road design: no objections. Clarification required in respect of exact nature of use in relation to existing use e.g. need to show that the use is incidental and that there will be no increase in traffic using the site.

Environment Section: Further information required in respect of wheel wash, wastewater facility

Environmental Health Officer: no objections subject to conditions.

Objections: Three letters of objection were received. (Declan and Tracey Barry and John McGrane, John and Pauline Murray, Paul Connell)

- Yard 3 times the size of that granted permission
- Start-up time is 6.30 a.m. until late at night 7 days a weeks
- Noise
- Heavy vehicular traffic
- Unsure about nature of use
- Insufficient details re drainage and ditch.
- Noise of crusher
- Visual impact of stable
- Environmental impact of material
- Cumulative impact of recycling facility with other waste facilities in area

Planning assessment

While the principal of expansion and recycling are generally acceptable - a grant of permission relies on establishing the exact nature of use and traffic generation and further information was required in this regard.

Visual Impact was not considered to be a significant issue having regard to the Development Plan provision in respect of landscape type and protection of amenity.

A letter of 20th August 2010 attempt to clarify the nature of the proposed use

Further Information

By order dated 2nd September 2010 further information as requested in respect of

- Specific need and nature of materials
- Existing and projected traffic levels
- Parking
- Capacity of wastewater treatment plant
- Purpose of stables
- Wheel wash
- Noise generation
- Clarification of status of yard area and truck parking and crusher building

Further information was submitted on 23rd September and the applicant clarified that

- Shed is to be used exclusively for excess material from the applicant's business as a macadam contractor. Each of the 8 will hold 8-10 tonnes of material such as macadam, final binding, wearing course, HRA and Chips Base Course asphalt.
- It will provide a safe and dry area for excess materials and will not require additional staffing or hours of operation
- Traffic Management plan this report confirms that there will be no increase in traffic. A traffic survey records a **HGV movements at a rate of between 15 and 18 per day and 44-53 cars** movements per day.
- Wastewater treatment system has capacity for 15 persons whereas only 5 staff is employed fulltime.
- Stables are for personal use
- Noise there will be no additional noise generated. (problems associated with traffic noise have mainly been attributed to vehicle manoeuvring, loading and unloading operations particularly in relation to reversing alarms) site preparation/engineering works and plant which is not properly services or commissioned. These conditions only tend to apply when the site is large and

its usage is high. This will not be the case in this situation... The proposed shed is 120m away from the nearest domestic dwelling. It is not proposed to generate any additional traffic with this facility therefore there will be no additional noise generated.

- It is conceded that the yard area has been extended and this is being rectified by way of a new planning application

Decision

The applying authority is generally satisfied that the proposed development is acceptable having regard to the provisions of the development Plan. By order a decision to grant permission subject to 20 conditions was made on 8th October 2011

4 PLANNING HISTORY

PL17.218071 refers to a front of permission for Retention, completion of 350 sq.m. office building, relocation of effluent treatment system, revisions to parking areas, landscaping and associated works with revised boundaries from approved NA/40011 at Kingston and Carnuff Great, Hayestown and Carnuff Little, Navan, Co. Meath.

NA/70587 refers to a grant of permission for a 301 sq.m. storage shed temporary land recovery operation to receive waste material on site (soil and stones) wherein soil and stones (complying with class 10 of the 4th Schedule of the Waste Management Act) shall be imported and spread on site with a consequential benefit of agricultural activity (area .96ha). The proposal involves the piping of an existing stream running through the site.

NA/40011 refers to a grant of permission on 29th October 2004 for the change of use of an existing farmyard and associated buildings including various sheds and out offices to a road maintenance contractors yard, a recessed entrance, car and truck parking areas, office building including canteen, toilet and storage areas, shed building including storage areas, service and maintenance shop, toilets, mastic asphalt production and curing area, other associated uses and details on noise, landscaping, effluent treatment. Details of this file are contained in the pouch at the back of the attached file (PL17.218071)

- Condition 2 restricts hours of operation to between 7 a.m. and 6pm on weekdays and 8a.m. and 1p.m. on Saturdays.
- Condition 6 restricts the storage of vehicles and mastic asphalt operations to that required by Tar stone Ltd only. Any change of use or variation or intensification shall require a grant of permission.
- Condition 19 sets upper noise limits to 55dB(A) during operational hours and 45 dB(A) at all other times.
- Condition 11 stipulates that no annoyance shall arise

A noise Impact statement refers to Road traffic Impacts. It is stated that the road traffic flow (traffic movements) associated with this development is predicted to be in the region of 30 vehicles/day with a maximum flow of 10veh/hr in the morning between 7 and 8. It is expected that the existing maximum flow on this road will occur at around

a similar time. There is a logarithmic relationship between noise levels and traffic volume. Typically doubling (100% increase) the traffic flow produces a 3dB(A) change in noise level. The increase in road traffic should be less than two fold resulting in no more than marginal noise impact at peak flow.

P88/30 Permission for the retention of livestock house, erection of a livestock house and fodder, silage and effluent accommodation.

5 STATUTORY FRAMEWORK

The Meath County Development Plan applies:

- Chapter 3 relates to Economic Development
- Chapter 6 relates to Rural Development
- Chapter 10 relates to Development Management Guidelines
- ED POL 19: To normally permit development proposals for the expansion of existing industrial or business enterprises in the country side where 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 and the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity consideration and is in accordance with the policies, requirements and guidance contained in this plan.’
- ED POL 20: To permit development proposals for industrial or business enterprises in the countryside only where, the proposed use has locational requirements that can only be accommodated in a rural location and this has been demonstrated to the satisfaction of the planning authority, 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; and the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan. In all instances, it should be demonstrated 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.

6 THE APPEAL

The grounds of the third party appeal were submitted by Pauline Murray and refer to the following matters

- Outstanding enforcement issues
- Insufficient consideration of EDPol 20 regarding industrial uses in the countryside.
- Difficulties with enforcement
- Opening hours never complied with

- Work commences at 6.30
- Condition 9 inconsistent with use granted.
- Visual impact of stable
- Drainage/environmental impact
- An EIS should have been requested.

7 RESPONSES TO GROUNDS OF APPEAL

First Party Response

In a letter of response by Keith Ludlow on behalf of the applicant received on 30th November 2010 the following statement area made:

- **Outstanding Enforcement issues:** These matters are considered to be outside the remit of this application.
- **Zoning:** this is an extension to a permitted use. The issue of zoning is outside the remit of the application
- **Difficulty enforcing:** The applicant is fully committed to complying with all conditions.
- **The crusher:** This is only stored on site and used on location at various road projects.
- **Stables blocking views:** exempted development only 176 sq.m.
- **Material: specified:** road construction materials
- **The recycling of circa 80 tonnes does not require an EIS**

8 ASSESSMENT

Issues

This appeal relates to an application for an extension to facilities of tarmacadam contractor as well as the provision of 179sq.m. of stables. The most contentious aspect of the development relate to the extension and intensification of the development and impact on a neighbouring residential property. The main issue relate to

- Principle of development
- Impact on residential amenity

Principle

While the planning permission NA/40011 granted permission for the commercial use and associated buildings establishes in effect the principle of the use and the subject development indicates a considerable expansion of this initial operation yard.

The applicant states that the proposed storage bays are for the purpose of facilitating storage of excess material from work carried out by the contractor and that it is effectively ancillary to the approved development. The history of enforcement indicates that the development that is currently taking place on the site as delineated is not in fact approved. For example the yard area has been considerably extended and the applicant and planning authority acknowledge this by reference to communications and further application for planning permission. I note that the yard

area is quite different from that approved in the site layout plan requested by the Board in a previous appeal the subject application shows a proposed 433 sq.m. Eight bay shed sited in the order of 40m beyond the approved yard rear boundary as delineated in the original site layout plan. The site width in the original permission is shown as c.68m at (about 75m set back from the road) whereas the subject site and yard width is shown at about 140m and this extends accordingly across the back of the adjacent dwelling affectively wrapping around two sides of it. Although the use of this area for parking /overflow parking appears to have been approved in a subsequent case - PL. 218071

The subject application also shows 4 new storage bays which would be reliant on tipper trucks or such like driving and reversing around this part of the site not originally shown in the original application. This is different to the implicit occasional use of the area as overflow machinery parking area as the area will become an active part of daily operations.

It would preferable to relocate these storage area to within the previously approved yard area and away from the nearby dwelling.

While the storage of trucks in this yard area may be deemed to be a separate issue I do not consider that the issue of an extension of an operational yard can be disregarded particularly having regard to its proximity to a dwelling. Accordingly I do not consider the provision in the Development Plan for permitting extensions to industrial type activities to be applicable in this instance.

Furthermore having regard to the planning history of the site I consider the proposed development to constitute an incremental and piecemeal approach to developing the site and would therefore be contrary to the proper planning and development of the site.

Traffic and Amenity

The proposed shed is stated as having a floor area of 433 sq.m. Assuming 2 tonnes per cubic metre, this would permit storage of at least 866 tonnes of aggregate material up to height of 1m or indeed a 2580 tonnes at a height 3 metres above the ground. The storage of 80 tonnes appears to be quite a substantial underutilisation of the shed. The potential for storage facilities consequent on this permission and the potential for significant increase in traffic would be unacceptable having regard to the proximity to a residential property in the area.

I note that the original application estimated traffic movement to be at in the region of 30 vehicles/day. In this application the traffic movement are stated as not increasing and current traffic survey (as at August 2010) were counted at between 15 to 18 per day HGV movements and at a rate of 44-53 cars movements per day. This would appear to be a doubling of traffic levels.

I consider the cumulative impact of this volume of traffic in addition to the overflow machinery parking and the considerable potential for additional traffic arising from

the 433 sq.m. shed would amount to an undue level of disturbance and considerably beyond that anticipated in the original permission. I say this having regard to contents of the noise impact assessment report contained in the history file pertaining to the initial permission NA4011 and the extension/relocation of storage bays 26m to directly to the rear of the boundary of the adjacent occupied dwelling.

I note that the original permission was contingent upon a condition (no.11) requiring the control of nuisance and disturbance to neighbouring properties. Based on the submission on the file it is reasonable to conclude that the activities on the site are giving rise to disturbance and that consequentially it seems unreasonable to permit further intensification of activities in a piecemeal fashion that have the potential intensity such disturbance.

Stables

I agree that will the planning authority in its assessment of the visual impact of the stables and that the separation distance between the dwelling and the stables given the nature of the use and together with the landscape character will not give rise to an unduly obtrusive or inappropriate feature. However the combined access with the commercial use is I consider undesirable. I note that the applicant states that the proposed stables are exempted development in these circumstances a refusal of permission should not impact on this aspect of the proposal.

9 CONCLUSIONS AND RECOMMENDATIONS

Having regard to the extent of expansion of the yard area and site layout as compared to the original permitted plans and conditions attached thereto I consider the resultant development, by reason of its size, nature and associated traffic volume and general disturbance would not remain appropriate to this rural hinterland area and adjacent to residential property. Accordingly I recommend that permission be REFUSED for the proposed development.

10 DECISION

REFUSE permission for the above proposed development based on the reasons and considerations under set out below.

REASONS AND CONSIDERATIONS

It is considered that the proposed development, by reason of its nature, extent and layout and proximity to residential property would constitute an inappropriate extension not provided for in policy ED POL 19, and would result in a significant increase in traffic movements in and near the site. The proposed development would, therefore seriously injure

the residential amenity of adjacent and property contravenes the said policies and is contrary to the proper planning and sustainable development of the area

Suzanne Kehely
Senior Planning Inspector
10th March 2011