



An
Bord
Pleanála

Inspector's Report PL11.247052.

Development

Permission for

- i) change of use for the identified sub-divided yard from existing approved truck and container park to proposed hire depot for construction and construction related equipment.
- ii) Erect of 4 no prefabricated single storey buildings including 2 no offices, 1 canteen and 1 toilet block
- iii) Erect a new 30mx15m single storey workshop.
- iv) Erection of new 2.4m high palisade fence and 2 no. vehicular access gates to subdivide existing yard.
- v) Erection of associated signage at the main site entrance.

Laois County Council.

Location

Clonminam Business Park,

Planning Authority

Knockmay, Portlaoise, Co Laois

Planning Authority Reg. Ref.

16/153.

Applicant(s)

VP Equipment Rental (Ireland) Ltd.

| | |
|------------------------------------|--|
| Type of Application | Permission. |
| Planning Authority Decision | Grant permission subject to conditions |
| Appellant(s) | Peter Sweetman & Associates |
| Observer(s) | None. |
| Date of Site Inspection | 30 th October 2016. |
| Inspector | Bríd Maxwell. |

1.0 **Site Location and Description**

1.1. The appeal site has a stated area of 1.18ha and comprises part of an established industrial compound located on the western edge of Clonminam Business Park, an industrial and business hub located approximately 1.8km to the southwest of Portlaoise Town Centre. The appeal site which is largely a hardstanding area designed for the storage of shipping / truck containers. The site which has a private access and security fencing is located off the main distributor road within the business park. There are a number of industrial, business, storage and commercial uses within the industrial park while the incomplete Togher National Enterprise Park is located to the south and east.

2.0 **Proposed Development**

2.1 The application has a number of elements including i) change of use for the identified sub-divided yard from existing approved truck and container park to proposed hire depot for construction and construction related equipment. ii) Erect 4 no prefabricated single storey buildings including 2 no offices, 1 canteen and 1 toilet block iii) Erect a new 30mx15m single storey workshop iv) Erection of new 2.4m high palisade fence and 2 no. vehicular access gates to subdivide existing yard. v) Erection of associated signage at the main site entrance.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1 By order dated 19th July 2016 Laois County Council decided to grant permission subject to 14 conditions which included the following of particular note:

- Condition 2 No further internal horizontal / vertical subdivision or change of use of any unit in the absence of prior grant of permission. Line marking to be carried out prior to the commencement of development.
- Condition 14 Development Contribution of €21,636 in accordance with the development contribution scheme.

3.2. Planning Authority Reports

- 3.2.1 The initial report of the area planner sought additional information with regard to traffic circulation and interaction with established development, a clarification of layout, details with regard to soiled water petrol interceptor, bicycle parking details. Final planner's report recommends permission subject to conditions.
- 3.2.2 Fire Officer, Waste Enforcement Environment, roads design reports indicate no objection subject to conditions.

3.3. Third Party Observations

- 3.3.1 Submission to the Local Authority from the appellant asserts that the application is deficient in terms of details of traffic movements, a demonstration of compliance with parking conditions of previous permissions and compliance with development plan.

4.0 Planning History

4.1 Appeal Site

- 03/289 Permission granted to Martin Kealey Transport Ltd to construct a truck and container park, office. Security gates and fencing 40,000 litre underground diesel tank, petrol separator, site drainage and foul sewers, access road, landscaping, connection to ESB, public water mains, sewers and all other ancillary works.
- 09/761 Permission granted to Midlands Container Depot to erect 20 individual storage units installed in 4 unit modules and all associated works.

4.2 Adjoining / Adjacent Sites

- 03/605 Permission granted to John Carrol for 2 storey office units with adjoining double height warehouse unit and services.
- 08/1465 Permission to Hibernian wind power to construct electricity generation unit having a maximum electrical power output of 60 megawatts.

- 11/471 Permission granted to MSM recycling Ltd for change of use of existing unit to use as facility for the recovery and recycling of ferrous metals, non-ferrous metals, glass and end of life vehicles along with internal and external storage of such material on site.

Concurrent application on adjoining site.

- **16/199** Notification of decision to grant permission issued 7/11/2016 for development comprising the construction of electrical substation related equipment, new hardstanding area for external battery equipment, signage on internal entrance gate and proposed substation wall fencing enclosure to site with security gate and all associated site development works.

5.0 Policy Context

5.1 Development Plan

5.1.1 The Portlaoise Local Area Plan 2011-2018 refers. The site is zoned industrial. The objective is to provide for and improve industrial and warehousing development. The zoning provides for industrial and warehousing uses. Other uses, ancillary or similar to industry and warehousing will be considered on the merits of each planning application and may be acceptable within this zone. Where employment is a high generator of traffic, the location of new employment at appropriate scale, density, type and location will be encouraged to reduce the demand for travel. The layout of new employment sites will have to have regard for alternative sustainable modes of transport. Site layout should emphasise the necessary connections to the wider local and strategic public transport walking and cycling network. Residential or retail uses including retail warehousing will not be acceptable in this zone.

5.1.2 I note the Masterplan for Togher National Enterprise Park setting out the vision for the development of a National Enterprise Node and Industrial Port which forms part of the Portlaoise Local Area Plan 2006-2012 (Map 1.7.1)

5.1.3 I note policies EE02 of the Portlaoise Local Area Plan to improve the existing built environment within the Togher Clonminam area.

5.1.4 Development Plan Standards for industrial development DCS15 within the Laois County Development Plan.

Relevant Extracts from the Laois County Development Plan 2011-2017 and Portlaoise Local Area Plan 2012-2018 are provided in the appendices to this report.

6.0 Natural Heritage Designations

6.1 The site is not located within or immediately adjacent to any designated sites. The Slieve Bloom Mountains SPA site is located approximately 7.5km to the northwest of the site. The River Barrow and River Nore SAC is within approximately 10km of the site and The Ballyprior Grassland SAC is located approximately 14km to the southeast of the site. Clonreher Bog NHA is located approximately 3km to the north of the site.

7.0 The Appeal

7.1 Grounds of Appeal

7.1.1 The appeal is submitted by Peter Sweetman and Associates, 14 Postnet, 113 Lower Rathmines Road Dublin 6. Grounds of appeal can be summarised as follows:

- Noting concurrent application 16/999 question whether there was any cross examination of the two developments.
- Reiterate concerns raised in submission to the local authority regarding traffic.
- On examination of site layout map it is not possible to differentiate the two developments.

7.2 Planning Authority Response

7.2.1 The Planning Authority did not respond to the appeal.

7.3 First Party Responses

7.3.1 A response by John Redmond and Associates consulting Engineers on behalf of the first party is summarised as follows:

- Planning application reg ref 161/199 is a separate and distinct application lodged by un-associated company Gelectic Energy Storage. Notably the application was referenced within the planner's report therefore taken into consideration.
- The two developments are easily differentiated on basis of the submitted drawings.

8.0 Assessment

8.1 I consider the key issues to be considered in determining this appeal are as follows:

- Principle of development
- Traffic and Servicing and Impact on the amenities of the area
- Other Matters

8.2 Principle of Development.

8.2.1 In consideration of the current proposal in the context of the policies and objectives of the Laois County Development Plan 2011- 2017 and Portlaoise Local Area Plan 2012-2018, I note that the site is zoned industrial and warehousing. The zoning provides for industry and warehousing uses. I consider that the principle of the proposed development which involves the change of use from a truck and container park to use as a hire depot for construction and construction related equipment is acceptable within this zoning objective and is supported by local planning policies pertaining to this established industrial site. On this basis I consider that there is no objection in principle to the development as proposed subject to consideration of detailed matters.

8.3 Traffic and Servicing and Impact on the Amenities of the Area

8.3.1 On the issue of traffic the third party is critical of the level of information provided with regard to traffic generation and parking. I note the accessible location of the site in close proximity to the National Road Network N80 and M7. I note that in response to the request for additional information from the Council it was predicted that in terms of traffic movements the proposed use for storage and construction equipment for hire would likely give rise to a potential 10 loads per week, significantly less than the traffic intensive permitted use, I consider that having regard to the accessible location of the site the likely level of traffic to be generated by the proposed development can be accommodated without a significant impact on the road network,. As regards servicing, the site is serviced by public mains and public sewer and no specific issues are raised in this regard.

8.3.2 I consider that the proposal will not have significant impact on the amenities of the area. The site is within an established compound and is not highly visible in the general area. I conclude that the provision of a viable economic use on the site is desirable and is in accordance with the zoning objectives for the site and in accordance with the proper planning and sustainable development of the area.

8.4 Other Matters

8.4.1 On the issue of cumulative assessment of the proposed development on the appeal site and the proposed development on the adjoining site 16/199¹, I have noted the detail of that development (which as clarified by the first party is unrelated to the within proposal) and have considered the proposed development within this context I consider that the detailed nature of the separate proposals are clearly set out within the respective application / appeal documentation and I do not note any difficulty in terms of differentiating the nature of proposals on the basis of the submitted documentation.

8.4.2 On the issue of Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment and proximity to

¹ 16/199 Notification of decision to grant permission on 7/11/2016 for development comprising the construction of electrical substation related equipment, new hardstanding area for external battery equipment, signage on internal entrance gate and proposed substation wall fencing enclosure to site with security gate and all associated site development works.

the nearest European site, 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.

8.5 Recommendation

8.5.1 I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the location scale and nature of the proposed development and to the provisions of the Laois County Development Plan 2011-2017 and Portlaoise Local Area Plan 2012-2018 it is considered that the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted on 24th June 2016 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and residential amenity.

4.The road works associated with the proposed development shall be carried out and completed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and orderly development.

5.Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area.

6. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of permission/

Reason: In order to control the intensity of development in the interest of amenity.

7. No advertisement or advertising structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

8. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Brid Maxwell

Planning Inspector

15th November 2016