



An
Bord
Pleanála

Inspector's Report PL15.248733.

Development	Construction of industrial warehouse building and link to existing building.
Location	Brook Street, Ardee Road, Dundalk, County Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	17/13.
Applicant(s)	Cargotec Ireland.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Brook Street Residents Association.
Observer(s)	None.
Date of Site Inspection	19 th September 2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The site is located in Dundalk Town, south of the Town Centre and east of the railway line.
- 1.2. The site has a stated area of 4.42 hectares. There is a manufacturing facility on the site with ancillary office, storage and car parking areas. The site is bounded by palisade fencing and has two vehicular access points on the western and northern boundaries. The site is bounded to the south by a watercourse, to the east by the Dublin – Belfast rail line and by industrial and residential properties to the north. Lands to the west are undeveloped.
- 1.3. The site formed part of the ‘Great Northern Railway Works’ that operated at this location from the late nineteenth to the mid-twentieth century. Following the closure of the works a number of engineering companies set up on the site and larger more modern industrial building were constructed.
 - 1.3.1. There are a number of protected structures in the vicinity of the site that date from the late nineteenth century. The former ‘Engineering Works’ is located at the eastern end of the site. There are remnants of a former ‘Carriage Lifting Repair Shed’ at the southern end of the site. In the wider area the red-brick industrial and commercial buildings and houses along Brook Street and Ardee Terrace were developed in conjunction with the Railway Works and are protected structures.

2.0 Proposed Development

- 2.1. The development comprises an industrial warehouse building that can be described as follows.
 - The structure is rectangular in shape with a stated floor area of 2012 square metres and with a ridge height of 13 metres.
 - The development would be set perpendicular to the existing manufacturing building on the site and include a link corridor into this building.
 - External finishes comprise selected cladding.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 6 no. conditions. The following condition is of note:

- Condition no. 6 requires the submission of a Conservation Management Plan for the site within 6 months of the grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report notes that the site is zoned 'Transportation Development Hub' in the Dundalk & Environs Town Plan 2009-2015 and that a warehouse is permitted in principle in this zone.
- Following an initial assessment, the Planning Authority issued a request for further information in relation to the visual impact of the development on protected structures on the site and adjoining sites.
- On receipt of this information, the Planning Officer's Report recommended that permission be granted.

3.2.2. Other Technical Reports

Conservation Officer: No objection.

Infrastructure Section: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One submission was received and considered by the Planning Authority. The issues raised are similar to those raised in the grounds of appeal set out below.

4.0 Planning History

- 16/432:** Permission for extension to existing building and all associated site works. Granted.
- 10/520156:** Permission for demolition of a derelict commercial building (carriage lifting repair shed) with all associated site works. Refused. Reasons for refusal stated that the development is contrary to policy and legislation in relation to the protection of structures on the Record of Protected Structures (RPS)
- 07/520209:** Permission for extension to factory, relocation of oil storage and ancillary works. Granted.
- 06/520082:** Permission for first floor extension to office space and 14 no. car parking spaces. Granted.
- 03/520051:** Permission to erect palisade fence on perimeter of the site. Granted.
- 02/520377:** Permission for alterations to engineering works building. Granted.
- 02/520241:** Permission for re-cladding of industrial building. Granted.
- 00/520349:** Permission for closure of goods / staff / service entrance onto Brook Street and relocation to western site boundary. Granted.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Louth County Development Plan 2015-2021 is the Development Plan for County Louth including the area of the former Dundalk Town Council. The County Development Plan states that the Dundalk and Environs Development Plan 2009-2015 will be replaced by a Local Area Plan. In the absence of a Local Area Plan, the Dundalk Town Plan 2009 – 2015 will be reviewed, as well as the County Development Plan.

5.1.2. Louth County Development Plan 2015-2021

Dundalk (along with Drogheda) is designated as a Large Growth Town 1 in the Development Plan, reflecting its position in the Settlement Hierarchy of the Regional

Planning Guidelines for the Border Region, 2010-2022. The following policies of the Development Plan are considered to be relevant:

- Policy CS 4: To support the development of identified growth centres of Dundalk and Drogheda, as focal points for regional critical massing and employment growth.
- Policy EDE11: To promote and facilitate the provision of local sustainable employment opportunities on land zoned for employment uses.
- Policy EDE 14: To comply with development management guidelines for industrial and commercial developments as set out in Section 6.3.
- Policy HER 35: To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire complex including the structures, demesne and/or attendant grounds.

5.1.3. Dundalk Town & Environs Plan 2009 – 2015

- The site was zoned 'Transportation Development Hub' in the Dundalk & Environs Town Plan 2009-2015 with an objective '*To support the provision of mixed use development commensurate with a transportation hub*'. Light Industrial Uses and Warehousing are permitted in principle in this zone, while Heavy Industry is open for consideration.
- Record of Protected Structures (RPS) Reference D011 – detached multiple – bay former railway shunting building on the appeal site dating from c. 1870.
- RPS amended in March 2017, to omit reference to the former Carriage Lifting Repair Shed, which is now demolished.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from the Brook Street Residents Association. The principle grounds of appeal can be summarised as follows:

- Traffic: Brook Street is a residential street and is not appropriate for articulated lorries or HGV traffic. Traffic should be directed onto the site via the Ardee Road gate. Employees park on Brook Street and take up space for residents.
- Disturbance: Noise disturbance and light emissions from the site. Concerns regarding the scope of CCTV.
- Hours of Operation: Increasing activity on Saturdays and before 6 am.
- Other: Fuel storage tanks have been installed 25 metres from residential properties. Request that the tanks be moved. Locals not consulted when 2.5 metre metal fence boundary was erected.

6.2. Applicant Response

- Facility is authorised development. Entrances and car parking all granted planning permission.
- No change is proposed to the operating hours, nature of work or workforce at the facility.
- Proposed building will store parts that are currently stored outside on concrete hardstanding.
- There will be no additional traffic generated from the building as no new business activities are proposed.
- Other engineering works and businesses in the area also generate traffic.
- A Construction Traffic Management plan will be prepared to minimise the impact of construction vehicles on adjoining residents.
- There will be no additional noise or light emanating from the site.

6.3. **Planning Authority Response**

No further comment.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. I consider that the main issues in this case are as follows:

- Principle of Development and Compliance with Policy
- Visual Impact and Impact on Protected Structures
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development and Compliance with Policy**

7.2.1. The Louth County Development Plan 2015-2021 is the Development Plan for County Louth including the area of the former Dundalk Town Council. The County Development Plan states that the Dundalk and Environs Development Plan 2009-2015 will be replaced by a Local Area Plan. In the absence of a Local Area Plan, the Dundalk Town Plan 2009 – 2015 was reviewed, as well as the County Development Plan.

7.2.2. The Dundalk and Environs Development Plan 2009-2015 sets out the most recent zoning framework for the area. The appeal site was zoned 'Transportation Development Hub' with an objective '*To support the provision of mixed use development commensurate with a transportation hub*'. Light Industrial Uses and Warehousing are permitted in principle in this zone, while Heavy Industry is open for consideration.

7.2.3. There is an established industrial use on the appeal site relating to the manufacture of forklift trucks. Permission is sought for the construction of a large warehouse

building to store manufacturing parts that are currently stored in an open yard. The proposed warehouse building would be positioned at the location of the existing storage yard and adjacent to the manufacturing building. I am satisfied that the proposed warehouse is directly related to and ancillary to the established manufacturing use of the site and that it is acceptable in principle subject to the assessment of the relevant planning issues identified below.

7.3. Visual Impact and Impact on Protected Structures

- 7.3.1. The proposed warehouse building comprises a sheet metal structure with a stated floor area of 2012 square metres and an overall height of 13 metres. The structure would be located at the rear of the site adjacent to the main manufacturing building. The structure is located to the south of the 'Engineering Works' building which is a protected structure and maintains a setback of c. 60 metres from this building. The structure is located to the west of the remains of the 'Carriage Lifting Repair Shed' a former protected structure and maintains a setback of over 30 metres from the remaining eastern boundary wall of this structure. The information submitted with the application states that this structure fell into disrepair in the 1980's and was demolished in 2011 due to health and safety concerns. The RPS was amended in March 2017 to remove the demolished building.
- 7.3.2. The proposed structure would be located within the existing industrial complex. It is similar in its design and scale to the existing manufacturing building and reflects the industrial character of the site. In addition, the structure would not be visible from the public roads to the north and west and from a business park to the rear (south) as views are blocked by other structures. I am satisfied on the basis of the foregoing that the building is in keeping with the character of development in the vicinity and that it would not have a significant impact on the visual amenity of the area.
- 7.3.3. The key issue for consideration is the potential impact on protected structures in the vicinity. An Architectural Heritage Impact Assessment was submitted to the Planning Authority at further information stage. The assessment states that newer buildings on the site are finished in a grey cladding and do not detract from the detailing of the older brick buildings. The assessment also states that the proposed building will have a similar profile to the existing buildings.

- 7.3.4. The original industrial buildings and worker's houses define the historic character of the area. The expansion of the facility since the 1960's has resulted in the introduction of larger manufacturing buildings. The main manufacturing building on the appeal site maintains a setback of c. 9 metres from the engineering works. It is significantly larger in terms of its scale and mass and obscures views of the protected structure from the public street. The proposed warehouse building will be located to the rear of the site and would maintain a setback of c. 60 metres from the engineering works. I consider that it would not impact unduly on the current setting of the protected structure and that the removal of the open storage yard would actually improve the environment around the protected structure. Protected structures outside of the site such as the railway workers houses at Ardee Terrace and Brook Street are located at a distance from the proposed development and views will be blocked by the main factory building. It will therefore have no impact visually on these structures.
- 7.3.5. The site of the demolished Carriage Lifting Repair Shed is c. 1 meter to the west of the proposed development. I note that there are very little physical remains of this structure on the site and that it is no longer included on the RPS. The proposed shed would not encroach onto the footprint of the former structure and would not impact on the future management of this area or on the potential re-use of some of the surviving elements. Condition no. 6 of the Planning Authorities decision requires the applicant to agree and implement a conservation management plan for the site. I consider this requirement to be unnecessary in the context of the current development proposal which has limited impact on the remaining protected structures.

7.4. Impact on Residential Amenity

- 7.4.1. The grounds of appeal argue that the existing facility is impacting on the amenities of properties in the vicinity due to noise and light emissions and disturbance associated with traffic movements. I consider that the proposed storage shed is ancillary to the established industrial use of the site and that no alterations are proposed to the nature and extent of the activities on the site. I am satisfied, having regard to the location of the proposed warehouse building to the rear of the site and the separation distance between the building and residential properties to the north that the

proposed development would not impact unduly on the amenities of dwellings in the vicinity.

7.5. Other Issues

Traffic and Parking

- 7.5.1. The grounds of appeal argue that Brook Street is a residential street and is not suitable for the heavy goods vehicles that use the street to access the appeal site. The grounds of appeal also raise concerns in relation to employee parking on Brook Street. No alterations are proposed to the nature and extent of activities on the site and I consider that the proposed development would not alter the nature and extent of traffic accessing the site or require additional parking.

Water Services

- 7.5.2. There are no proposed water supply or wastewater drainage connections to the proposed structure.
- 7.5.3. Surface water in the area drains to the existing drainage network and outfalls to the stream to the south. The proposed building will drain to the existing surface water network within the site. The submitted details state that the building will not increase the surface water runoff from the site as there is already hard standing at this location. I consider that the measures proposed in respect of surface water management on the site, are appropriate in the context of the site and the nature of the proposal.

7.6. Appropriate Assessment Screening

- 7.6.1. There are a number of Natura 2000 sites within 10kms of the site. They are as follows:
- Dundalk Bay SPA (Site Code: 004026)
 - Dundalk Bay SAC (Site Code: 000455)
 - Stabannan-Braganstown SPA (Site Code: 004091)
 - Carlingford Mountain SAC (Site Code: 000453)

- 7.6.2. The application is not accompanied by a screening report for Appropriate Assessment (AA).
- 7.6.3. The appeal site is an established industrial site that is characterised by industrial buildings and hard standing. While there are limited relevant pathways between the development and the majority of the aforementioned sites, there is potential for hydrological links to the Dundalk Bay SAC and SPA. The watercourse to the south of the site flows into a water system that drains to Dundalk Bay approximately 4 kilometres to the east of the site.
- 7.6.4. The development would not involve any loss of habitat and there would be no wastewater discharge is proposed. I would suggest, therefore, that in terms of potential impacts surface water impacts are most relevant. Surface water from the area discharges to the watercourse south of the appeal site. The details submitted with the application indicates that surface water from the proposed development will drain to the surface water system on site via manholes. The report states that the rate of surface water runoff will not increase as the structure is located on an existing hardstanding area that is used for the storage of raw materials. I would note that at present rainwater comes into direct contact with these materials, before discharging to the surface water system. I consider that the provision of a covered structure to house the materials will reduce the potential for direct contact and for the contamination of surface water. This has the potential to improve the quality of surface water discharge from the site, thereby reducing the potential for adverse effects. I consider that any risk arising during the construction phase of the development can be minimised by good construction management practices.

7.6.5. **Screening Conclusion:**

In respect of the sites mentioned above, I consider that due to the limited value of the vegetation on site, the separation distances of the appeal site from the designated sites and the nature of the proposed development that it is reasonable to conclude, on the basis of the information on the file, which I consider to be adequate, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SPA (Site Code: 004026); Dundalk Bay SAC (Site Code: 000455); Stabannan-Braganstown SPA (Site Code: 004091); and Carlingford Mountain SAC (Site Code: 000453).

8.0 Recommendation

- 8.1. Grant permission with conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the established industrial use of the site and the pattern of existing development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 12th day of May 2017, 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. Drainage arrangements for 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.

3. Details of the external finishes to the proposed warehouse structure shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development.

Reason: In the interest of the visual amenity.

4. 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.

5. 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 interests of public safety and residential amenity.

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.

Karen Kenny

Senior Planning Inspector

25th September 2017