



An  
Bord  
Pleanála

## Inspector's Report ABP-300356-17.

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<b>Development</b>	Permission for development to construct a single storey detached building to consist of changing rooms and toilets, along with covered walkway and all associated site works.
<b>Location</b>	Brook Street, Ardee Road, Dundalk, County Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	17/689.
<b>Applicant(s)</b>	Cargotec Ireland.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brook Street Residents Association.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	9 <sup>th</sup> March 2018.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1.1. The site is located within the Cargotec engineering site in Dundalk, which is located to the south of the Town Centre. The complex formed part of the 'Great Northern Railway Works' that operated at this location from the late nineteenth to the mid-twentieth century. There are a number of distinct red-brick industrial buildings and houses along Brook Street and Ardee Terrace that were developed in conjunction with the Railway Works (including protected structures).
- 1.1.2. The site has a stated area of 4.3 hectares, although this would appear to refer to the entire landownership that is outlined in blue. The application site, as outlined in red, reflects the footprint of the proposed building, an associated landscaping area and walkways only. The site is situated to the south of the factory building, in a grassed area that is enclosed by a palisade fence and just to the east of a surface car park.
- 1.2. The overall complex comprises a factory with ancillary office, storage, yard and car parking areas. There are two vehicular access points on the western and northern boundaries, a watercourse to the south and the Dublin – Belfast rail line runs to the east. Lands to the north comprise industrial and residential properties, while lands to the west are undeveloped.

## 2.0 Proposed Development

- 2.1. The development comprises a single storey detached building comprising changing rooms, toilets, a driver waiting area, and an occupational health room. A covered walkway is also proposed between the structure and the factory in addition to all associated site works.
- 2.2. The structure has a stated floor area of 90 square metres. The structure has a square footprint (9.3 m x 11 m) with mono-pitched roof over. The external finishes include light grey cladding to front and side elevations and a render finish on the rear elevation. The covered walkway leads from the changing room and toilet building to the factory. It comprises a grey curved roof over the walkway supported by iron supports on concrete footings.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission granted subject to 3 no. conditions.

### 4.0 **Planning Authority Reports**

#### 4.1.1. **Planning Reports**

The Planner's Report reflects the decision to grant permission.

#### 4.1.2. **Other Technical Reports**

Infrastructure Section: No objection.

#### 4.2. **Prescribed Bodies**

Irish Water: No objection.

#### 4.3. **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.

### 5.0 **Planning History**

#### 5.1.1. Recent planning history pertaining to the site can be summarised as follows:

**ABP Ref. PL15.248733 – PA Ref. 17/13:**

Permission for the construction of an industrial warehouse building. Permission granted by the Planning Authority. The decision was the subject to a third party appeal. An Board Pleanála upheld the decision of the Planning Authority and granted permission.

**PA Ref. 16/432:**

Permission for extension to existing building and all associated site works. Granted.

**PA. Ref. 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)

**PA. Ref. 07/520209:**

Permission for extension to factory, relocation of oil storage and ancillary works. Granted.

**PA. Ref. 06/520082:**

Permission for first floor extension to office space and 14 no. car parking spaces. Granted.

**PA. Ref. 03/520051:**

Permission to erect palisade fence on perimeter of the site. Granted.

**PA. Ref. 02/520377:**

Permission for alterations to engineering works building. Granted.

**PA. Ref. 02/520241:**

Permission for re-cladding of industrial building. Granted.

**PA. Ref. 00/520349:**

Permission for closure of goods / staff / service entrance onto Brook Street and relocation to western site boundary. Granted.

## **6.0 Policy Context**

### **6.1. Development Plan**

- 6.1.1. 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.

#### 6.1.2. **Louth County Development Plan 2015-2021**

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.

#### 6.1.3. **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.

#### 6.2. **Natural Heritage Designations**

None.

## 7.0 The Appeal

### 7.1. 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:

- Remove HGV traffic and articulated lorries from Brook Street.
- The proposed building will block alternative routes into the Cargotec site.
- Factory is busier and has longer operating hours. Object to noise and light from 24/7 operations.
- Lack of consultation from Cargotec.
- The proposed building is to facilitate workers and hauliers working during the night. Object to night time operations.
- Seek a reduction in noise levels from factory and ancillary services. The proposed building will increase noise and traffic.
- Object to increased traffic in residential area. No traffic calming in place at Brook Street and Ardee Road.
- Development reduces available car parking. Car parking detailed on the layout plan is not accurate and shows more spaces than available.
- Car park is reduced as areas are used for truck storage, trailer storage, loading bay and diesel storage area. No planning permission granted for the uses.
- Cargotec should invest in car parking within the site to prevent staff from parking on the adjacent residential street.
- Brook Street is principally a residential street and local amenities are being affected.

### 7.2. Applicant Response

The applicant's response can be summarised as follows:

- Engineering works have been carried out at the site since the 1800's.

- The purpose of the proposed building is to provide changing facilities, wheelchair accessible toilets, wheelchair accessible showers, an occupational health room and a driver waiting area for existing staff.
- The building will not block routes into the site. The servicing routes and entrances are all authorised.
- The development would not result in an expansion of the operating hours, workforce or operation of the facility. No new business activities are proposed.
- Cargotec is an authorised development and entrances, servicing areas and car parking have the benefit of permission.
- The proposed development would not alter noise or traffic.
- The drivers waiting room has been proposed in order to provide a safe waiting area for delivery drivers, whilst loading / unloading is taking place and to provide toilet facilities. This avoids drivers waiting in their lorries, in the yard or wandering through the operational factory looking for a toilet.
- All construction takes place during normal working hours.
- The proposed building is of modest scale and will have a limited construction period.
- The proposal would reserve one car parking space. A right of way would be lined out on the ground which would improve safety for pedestrians within the site.
- Brook Street is a public road. The development would not result in any HGV or articulated truck parking on Brook Street or create an additional demand for parking. Photos submitted show available car parking on Brook Street.

### 7.3. **Planning Authority Response**

No further comment.

### 7.4. **Observations**

None.



## 8.0 Assessment

8.1. 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

### 8.2. Principle of Development and Compliance with Policy

8.2.1. The Louth County Development Plan 2015-2021 is the relevant statutory plan for the area but does not include a zoning framework for the area. I would note that the appeal site was zoned 'Transportation Development Hub' in the Dundalk and Environs Development Plan 2009-2015 with an objective '*To support the provision of mixed use development commensurate with a transportation hub*'.

8.2.2. 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 staff changing and toilet facility building with a stated floor area of 90 square metres and a covered walkway from the proposed structure to the factory building. The proposed building would be positioned to the south of the factory building and adjacent to a car park. I am satisfied that the proposed development is directly related to and ancillary to the established industrial use of the site and that it is acceptable in principle subject to the assessment of the relevant planning issues identified below.

### 8.3. Visual Impact and Impact on Protected Structures

8.3.1. The proposed structure is small in scale with a maximum parapet height of 3.5 metres and would be located within the existing industrial complex close to the existing factory building. The design and finish is similar to that of the existing buildings, while the scale of the building is significantly smaller. The structure would be at a distance from protected structures in the area. I am satisfied that the building is in keeping with the character of development in the vicinity, that it would not have

a significant impact on the visual amenity of the area and that there would be no conservation impact.

#### **8.4. Impact on Residential Amenity**

- 8.4.1. The grounds of appeal argue that the existing industrial operations on the site are impacting on the amenities of properties in the vicinity due to noise and light emissions and disturbance associated with traffic movements and parking. The proposed development is ancillary to the established industrial use and would not result in alterations to the nature and extent of the commercial activities. I am satisfied, having regard to the location of the proposed building and the separation distance from residential properties to the north that the proposed development would not impact unduly on the amenities of properties in the vicinity. Concerns in relation to disturbance arising from the existing operations fall outside of the Boards remit in considering the subject appeal and

#### **8.5. Other Issues**

##### **Traffic and Parking**

- 8.5.1. The grounds of appeal argue that Brook Street is a residential street and is not suitable for the movement of heavy goods vehicles. The grounds of appeal also raise concerns in relation to staff car parking on Brook Street. No alterations are proposed to the nature and extent of activities on the site and as such the development would not alter the nature and extent of traffic accessing the site or require additional parking.

#### **8.6. Appropriate Assessment Screening**

- 8.6.1. 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)

- 8.6.2. The application is not accompanied by a screening report for Appropriate Assessment (AA).
- 8.6.3. 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 as the watercourse along the southern site boundary flows into a water system that drains to Dundalk Bay which is located c. 4 kilometres east of the site.
- 8.6.4. The development would not involve any loss of habitat and wastewater from the changing facility would discharge to the public system. I noted during site inspection that surface water from the area discharges to the watercourse to the south of the appeal site. I consider that the proposed development by reason of its nature and extent would not materially increase surface water discharge from the site or impact on the quality of surface water. I consider that any risk arising during the construction phase of the development can be minimised by good construction management practices.

8.6.5. **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).

## 9.0 Recommendation

- 9.1. Grant permission with conditions.

## 10.0 Reasons and Considerations

10.1.1. 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.

## 11.0 Conditions

1. The development shall be carried out and completed 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 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

3. 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.

4. 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.

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Karen Kenny

Senior Planning Inspector

9<sup>th</sup> March 2018