



An  
Bord  
Pleanála

## Inspector's Report ABP-301306-18

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<b>Development</b>	Timber products manufacturing facility, offices, sales and display area
<b>Location</b>	Timmore, Newcastle, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/882
<b>Applicant(s)</b>	Warmridge Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Warmridge Limited
<b>Observer(s)</b>	Andrew Doyle
<b>Date of Site Inspection</b>	31 <sup>st</sup> August 2018
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.8225 hectares is located in a rural area of Co. Wicklow, c. 0.5km south of the village of Newtownmountkennedy. The N11 National Road lies c. 100m to the east and the R772 c. 160m northwest. The site is accessed from the south off Timmore Lane.
- 1.2. The site is presently used as a yard and storage area by Abwood. The sales and display area for Abwood is located on a different site closer to the junction of Timmore Lane and the R772. The manufacturing facility lies c.150m east of the site on the other side of the N11. The access lane serves an existing dwelling and sheds immediately east of the site. There are a large number of one off houses within 200m of the site.
- 1.3. The western part of the site is occupied by a tarmacked yard with a further area of hardstanding to the north. The remaining site is unmanaged scrubby grassland. The site lies at an elevation of between 74 and 88m aOD, sloping gently northeastward.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Timber products manufacturing workshop including canteen, offices, toilet facilities (area 924m<sup>2</sup>)
  - Offices (area 166m<sup>2</sup>)
  - Yard for the storage of timber products and parking of vehicles
  - Display area for timber garden products
  - Car parking facilities
  - Access road
  - Package sewage treatment system including soil polishing filter in accordance with EPA 2009 standards and ancillary site development works/ services including landscaping and boundary treatment.

- Access will be taken from Timmore Lane through the existing entrance and the overall development will also include improvement works to Timmore Lane and the junction of Timmore Lane and the R772.

2.2. Unsolicited further information was submitted dated the 19<sup>th</sup> of January 2018.

This included the following:

- Landscaping proposals and photomontages.
- Transportation Assessment Report
- Background letter to proposed development.
- Proposals for surface water drainage and management of oils and waste.
- It was stated that all dust and noise emissions would be below the normal maximum level permitted by the planning authority and that this matter could be conditioned.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission refused for three reasons relating to development plan policy, visual impact, and traffic safety.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

- The planner noted the light industrial and employment zoning on the site but expressed concern that the proposed manufacturing activity does not have any local resource, process or workforce related need. Concern was also expressed in relation to visual impact and traffic safety.

##### 3.2.2. Other Technical Reports

**Environmental Health Officer:** No objection subject to conditions.

**Water and Environment Services:** Further Information Required.

**Area Engineer:** Report noted a number of areas of concern in relation to traffic safety.

### 3.3. Prescribed Bodies

**Irish Water:** No objection subject to conditions.

A report from **Traffic Infrastructure Ireland** (23/08/17) states that the Authority will rely on the planning authority to abide by official policy affecting national roads subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the assessment should be funded by the developer.
- The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History

### Relevant History on this site:

#### **PA 07/1434/ PL27.225489**

Permission refused by Planning Authority and by ABP on appeal for retention of chalet on part of this site.

#### **PA 07/2646/ PL06D.229830**

Permission refused by Planning Authority and by ABP on appeal for retention of buildings, alterations to factory, upgrading of junctions and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

The operative plan for the area is the Wicklow County Development Plan 2016-2022  
Site zoned 'To provide for light industrial and employment use.'

Chapter 5 Economic Development

Section 5.6 - Economic Development in a Rural Area. Relevant Objectives –  
Strategic Objective and RUR1 and RUR2.

EMP 12 – 'To provide for employment development at the following locations as  
shown on maps 5.01-5.07. Site is located on Map 5.07.

Appendix 12- Statement outlining compliance with ministerial guidelines.

Appendix 5 – Landscape Assessment

The site is located within 'Eastern Corridor' landscape category – Map 10.13 (d).

Figure 2.1 indicates that the site is located in an area of 'low sensitivity'.

Copies of relevant policies attached to report.

## 5.2. **Natural Heritage Designations**

### 5.2.1. Sites within 15km of the site include the following:

The Murrough Wetlands SAC

The Murrough SPA

Carriggower Bog SAC

Glen of the Downs SAC

Wicklow Mountains SAC

Wicklow Mountains SPA

Wicklow Head SPA

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the first party appeal can be summarised as follows:

- Business requires a bespoke area due to the nature of the business and it has a locational need to remain in the area due to its longstanding presence here and existing workforce and customer base and strong community support.
- Lack of alternative sites in the surrounding area.
- The Development Plan policy supports small- scale commercial/ industrial developments in rural areas once they comply with certain criteria.
- The proposed development would not injure the visual amenities of the area having regard to the landscaping proposals together with the design of the building.
- A Transportation Assessment Report submitted as part of the planning application concludes that there are no traffic safety issues associated with the proposed development. A further report submitted with the appeal also has the same conclusion.

## 6.2. **Planning Authority Response**

- None.

## 6.3. **Observations**

One third party observation has been submitted which can be summarised as follows:

- Supports the appeal.
- Big employer in the area and business has been operating for more than 3 decades.
- Due to the outdoor and bulky nature of the raw material and finished timber products the company produce, units in the nearby business and enterprise park are totally unsuitable.
- The proposed development has a set back of over 100m from the N11 and landscaping is proposed.
- Traffic safety would be improved.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Visual Impact
- Traffic Safety
- Appropriate Assessment

## 7.2. Principle of Development

The subject site is located within the rural townland of Timmore, Newcastle, Co. Wicklow. The area is primarily agricultural in nature. A number of types of uses are proposed as follows:

- Manufacturing: Prefabricated sections of garden sheds will be manufactured and shipped out by company trucks for erection on site.
- Sales: The office building will accommodate some direct sales from customers calling to the facility but most sales will be via on line. Smaller products will be available for sale and collection by customers.
- Display: Some of the timber garden products will be displayed on the site.

7.3. There was a previous refusal on a much larger site at this location for the retention of manufacturing buildings under PL06D.229830. Since then, the site has been zoned 'To provide for light industrial and employment use.'- Development Plan Map 5.07. I note that the previous buildings have been removed but the site is still used as a yard with some storage. I note Appendix 12 of the County Development Plan- Statement of compliance with Ministerial Guidelines which indicates that the zoning of the site is not in compliance with Ministerial Guidelines. Specifically in relation to this site it is stated 'To provide for small scale local employment in the Newtownmountkennedy area, on a previously developed site. The site, while located at a greenfield rural location, is in close proximity to the settlements of Newtownmountkennedy, Newcastle and Kilcoole and employment development at this location would have the potential to stem commuting from these settlements in a northwards direction.'

7.4. I note from information submitted with the application that this business is described as a big employer in the area and that the business has been operating for more than 3 decades. In the recent past from approximately 2002 - 2007 there were 80 people employed at its busiest time. Due to a combination of factors, including lack of available local premises and the recession, turnover fell and numbers employed



reduced to 20 people. However the company survived, mainly due to local community support and a dedicated local workforce and it now ready to expand and position itself once again as a leading supplier of timber products to the trade and retail market. It is stated that the business requires a bespoke area due to the nature of the business. It is stated that there is a locational need to remain in the area due to its longstanding presence and existing workforce and customer base and strong community support. Furthermore, it is stated that due to the outdoor nature of the raw material and finished timber products, units in the nearby business and enterprise park are totally unsuitable.

- 7.5. I accept the arguments that due to the size and scale of the operation, it would not lend itself easily to an industrial estate. I note that the nearby Newtown Business and Enterprise Park has units available for sale or rent. These are small warehousing type units of approx., 100- 200m<sup>2</sup> with no available storage space outside. The existing business is located in a number of locations with some parking for drivers on this site, manufacturing on another site and display and sales from an office close to the junction of Timmore Lane and the old N11. The existing sales and display area is very haphazard in terms of parking as there is no parking within the site and both visitors and staff park on hardstanding areas adjacent to the public road or on the public footpath. In addition, there is very little in terms of landscaping and the sales and display area is very visible from the public road and could be distracting to drivers.
- 7.6. My main concern in relation to this proposal relates to the size and scale of the development. This is not a small scale local business employing a small number of people. It is not resource dependent. Timber is imported from elsewhere and no local produce is used. The current business attracts customers visiting the site and I cannot see how this business will operate differently. Whilst there may well be some online sales, the nature of the product is that customers will want to view the product in person. The scale of the premises proposed are very large for a site in a rural area where the other uses in the area are generally typical rural uses - 924m<sup>2</sup> timber manufacturing and 166m<sup>2</sup> offices. I do not consider this to be a small scale rural business. I note that the reason for refusal states that it would be contrary to Ministerial Guidelines. A statement in Appendix 12 of the plan in relation to this site

refers to 'small scale local employment on a previously developed site'. I note that whilst the site was 'previously developed', this use was the subject of a retention application and appeal which was refused by An Bord Pleanála. Notwithstanding the current zoning on the site, the scale proposed is excessive for a rural area and would detract from the rural character and rural amenities of the area in my view.

7.7. Information submitted with the application states that the proposed development would not result in significant noise or dust emissions. Pre-cut timber products will be imported from sawmills elsewhere and the manufacturing process will remain within the building. The noise levels will be kept below the normal accepted levels set by the planning authority. Noise and dust monitoring programmes can be set up subject to planning conditions. The report from the EHO requested as Further Information details on equipment to be used on site and measures to prevent a nuisance to local householders. I note that the planner's report also considered that further information could be requested in relation to these matters. In the absence of this information, I would have further concerns in relation to the impact on the rural amenities of the area and the impact on nearby residences.

7.8. I consider that the scale and size of the business is excessive for a rural area and that it is not resource dependent. I also consider that there is a lack of information on file in terms of noise and dust emissions and that this could impact both on the rural and residential amenities of the area.

#### 7.9. **Visual Impact**

7.9.1. The second reason for refusal by the Planning Authority related to visual impact. The proposed development is located within the 'Corridor Area East' landscape area in the current development plan.

7.9.2. Landscaping proposals were submitted to the Planning Authority dated the 19<sup>th</sup> of January 2018. A Landscape and Visual Impact Assessment was submitted as part of the appeal documentation to An Bord Pleanála.

7.9.3. The local landscape is characterized by undulating low hills with arable pastures and significant trees and woodland. There are no protected views within the zone of inter-visibility of the site.

- 7.9.4. Due to the topography of the site and existing trees in the area together with proposed landscaping and berms, I am satisfied that the visual impact will be acceptable. I note that the administration building will be 1.5m lower than the existing ground level and the manufacturing building will be set 3m lower still resulting in an overall lower visual impact. Landscaping proposals include incorporating berms up to 2m in height and soft landscaping with native woodland species in belts up to 8m wide. It is proposed to retain existing trees and hedgerow. Photomontages have been submitted of the proposed development showing planting initially, after 5 years and after 10 years.
- 7.9.5. The main areas the proposed buildings would be visible from would be from Timmore Lane and the N11. Existing public views are limited to glimpsed views through limited gaps in dense hedgerows. The combined effect of the reduction of the finished floor levels and the landscaping and berms proposed will be such that the proposed development will blend into the existing landscape context. I note from Figure 2.1 – Development Plan Appendix 5 Landscape Sensitivity Map - that the site is located in an area of low sensitivity. Following the implementation of the landscaping measures proposed, I am satisfied that the visual impact would be acceptable, and that no serious injury would arise in respect of the visual amenities of the area.

## 7.10. **Traffic Safety**

- 7.10.1. The third reason for refusal by the Planning Authority related to traffic safety issues. The main areas of concern were in relation to sightlines at the entrance and works between the site and the Timmore Lane/ old N11 junction, and proposals in relation to the junction with Timmore Lane/ old N11. There is a distance of c. 210m between the junction of Timmore Lane/ old N11 and the site.
- 7.10.2. The traffic speed in the area changed on the 1<sup>st</sup> of December 2017 to 80kph. Details provided with the application provided for sightlines for a 70kph speed limit. Details submitted with the appeal address the speed limit of 80kmh and sightlines of 160kph can be achieved in both directions by a combination of lowering a mound to the north of the entrance, keeping hedgerows trimmed and the provision of a timber fence as indicated on the drawings submitted.

- 7.10.3. A Traffic Assessment Report was submitted to the Planning Authority as unsolicited Further Information dated the 19<sup>th</sup> of January 2018. Tables 3.2 and 3.4 indicated weekday AM and PM peak hour traffic generated calculations. It is stated that there will be one large truck delivery per week and that there is one truck out with 2 assembly operatives per day. The current staff cars with an allowance for expansion was also taken into account (existing staff – 20, future expansion – 46). In the initial drawings submitted with the application, it was proposed to provide a dedicated right turn lane on the R772/ Timmore Lane junction, however the analysis provided in the traffic assessment indicated that this was not required. Revised proposals include a new stop sign at the junction, together with alterations to the footpath at this location.
- 7.10.4. Consideration was given by the applicant to widening the 210m length of road between the site and the R772/ Timmore Lane junction to 6m width. The Area Engineer expressed concern in relation to increased speeds if this road was widened. The appeal response submitted drawings indicating a 6m wide road but the written response considered that a width of 5.5m would be adequate for the traffic volumes proposed and would be consistent with the remaining length of Timmore Lane.
- 7.10.5. Given the size of the manufacturing facility proposed of 924m<sup>2</sup>, together with the sales and display area and offices proposed, the very short length of road between the site and the junction with the R772, and the guidance set out in TII Publication DN-GEO-03036, I am of the view that the width of the road between the site and the junction should be widened to 6m.
- 7.10.6. Subject to the provision of the proposed sightlines, the road widening and junction improvements, I am satisfied that the proposed development would not give rise to an undue traffic hazard or obstruction of road users, and would be acceptable in terms of traffic safety and convenience.

#### 7.11. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and the distance to 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.

## **8.0 Recommendation**

8.1. I have read the submissions on file, visited the site, and had regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the size and scale of the timber manufacturing and offices proposed taken together with the sales and display area and the objectives of the Development Plan including RUR 1 and RUR 2, it is considered that the proposed development is excessive in scale and is not dependent on local resources. Furthermore, it would be detrimental to the rural amenities of the area, would detract to an undue degree from the rural character of the area, and would set an undesirable precedent for similar developments in the vicinity of the site. The proposed development would, therefore, be contrary to the objectives of the Wicklow County Development Plan 2016-2022. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.
2. On the basis of the information on the file, it is considered that insufficient information has been submitted to demonstrate the impact of the proposed development in terms of noise and dust emissions on the residential amenities of adjacent properties in the vicinity of the site. The proposed

development would therefore lead to an unacceptable loss of amenity to residential properties in the vicinity of the site and would therefore be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

30<sup>th</sup> October 2018