



An
Bord
Pleanála

Inspector's Report ABP – 302094 - 18

Development

New vehicular entrance/internal access road to an existing warehouse depot, part demolition of existing warehouse together with all associated site works.

Location

Newry Road, Dundalk, Co. Louth.

Planning Authority

Louth County Council.

Planning Authority Reg. Ref.

18/126.

Applicant

Joseph Walls Lisdoon Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Grant.

Type of Appeal

First – V – Condition No. 2.

Appellants

Joseph Walls Lisdoon Ltd.

Observers

None.

Date of Site Inspection

16th October 2018.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site comprises of largely vacant and overgrown parcel of land located on the eastern side of the Newry Road (R132), one of the main roads into the town of Dundalk. It is situated 154m to the north of its junction with the Armagh Road/Forkhill Road (R177) and it is located to the north of Dundalk's town centre.
- 1.2. The sites road frontage is demarcated by a low solid wall, piers and tall metal railings. A grass verge intersected by a pedestrian footpath runs immediately adjoining the road and a cycle path runs alongside the roadside verge.
- 1.3. The 'V&W' recycling centre bounds the site on its northern side and 'Go' service station bounds part of the southern boundary of the site. The site is bound on its eastern boundary, on part of the southern and eastern boundary by a larger parcel of land that is in the applicant's ownership. This adjoining land contains a large grain merchants and warehousing depot. The site includes an existing warehouse building on its southern most side that forms part of this grain merchant and warehousing depot for which partial demolition is proposed under this current application.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following.
 - Removal of road frontage boundary, provision of a vehicular entrance and associated boundary treatments.
 - Provision of an internal access road to serve the site and adjoining lands to the south.
 - Partial demolition of an existing warehouse building.
 - All associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Louth County Council decided to **grant** planning permission subject to conditions. Condition No. 2, which is the subject of this appeal, reads as follows.

“The existing uncontrolled vehicular site access to the site in proximity to the junction of the R132 Newry Road with the R177 Armagh Road shall cease to be used for vehicular traffic and shall be used solely for pedestrian and/or cycling traffic. All vehicular traffic to/from the site shall utilise the new access onto the R132 between the V&W Recycling Centre and the “Go” Service Station.

Reason: To eliminate a traffic hazard and obstruction of road users in the vicinity of the junction of the R132 Newry Road and the R177 Armagh Road.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planners Report is the basis of the Planning Authority’s decision.

3.2.2. Other Technical Reports

- **Infrastructure Section:** No objection.
- **Environment Section:** No objection.

3.3. Prescribed Bodies

- 3.3.1. None.

3.4. Third Party Observations

- 3.4.1. None.

4.0 Planning History

- 4.1.1. None relevant.

5.0 Policy Context

5.1. Development Plan

5.1.1. The policies and provisions of the Dundalk & Environs Development Plan, 2009-2015, still apply. The site lies within an area zoned '*Employment/Mixed Use*'. The northern boundary adjoins land zoned '*Recreation, Amenity and Open Space*' and Section 5.2.2 of the Development Plan indicates the provision of green routes within the town of Dundalk and its environs. Newry Road is identified as one of the '*Green Routes*'.

5.2. Natural Heritage Designations

5.2.1. None relevant.

6.0 The First Party Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are summarised below.

- The site is bound by the appellants warehouse buildings and associated yard spaces which generates a significant volume of traffic.
- The applicant seeks in the medium term to develop the appeal site.
- Access to the appellants landholding at this location is via a single entrance, is ambiguous and has the potential to give rise to conflict between road users.
- The existing entrance provides an alternative entrance to the appellants lands.
- The new entrance would represent a significant access improvement.
- Condition No. 2 is excessive. It is therefore requested that it be omitted.

6.2. Planning Authority Response

6.2.1. The Planning Authority seeks that the Board uphold their decision which restricts the use of an existing substandard vehicular access in the interest of public safety.

7.0 Assessment

7.1. Introduction

- 7.1.1. The First Party's appeal relates to Condition No. 2 of the Planning Authority's decision to grant permission for the proposed development set out in Section 2 of this report. The appellant by way of this appeal seeks that the Board omit this condition.
- 7.1.2. Having regards to the proposed development sought I consider that it is generally in accordance with the principle and relevant planning considerations. I also consider that any substantive planning concerns have been appropriately dealt with by way of conditions attached to the grant of planning permission. I am therefore satisfied that the consideration of the proposed development '*de novo*' by the Board would not be warranted in this case. Accordingly, I recommend that the Board use its discretionary powers under Section 139 of the Planning and Development Act, 2000, as amended, and issue the Planning Authority directions to retain, remove or amend Condition No. 2 as it deems appropriate.

7.2. Condition No. 2

- 7.2.1. The proposed development includes the removal of an existing stretch of road frontage to facilitate the provision of a new vehicle entrance onto the R132 (Newry Road) that would initially provide a second means of access to the applicants adjoining land to the south which is outlined in blue in the Site Layout Plan provided.
- 7.2.2. The applicant indicates that it is their intention to develop the lands within the appeal site in the medium term. I consider that the principle of the provision of a vehicle entrance to serve the appeal site is acceptable as the site is zoned for employment/mixed uses, is unkempt and has no apparent functional use. The appeal site is also located on one of the main arteries into the north of Dundalk town. The provision of an entrance and a viable use for the appeal site land could potentially contribute to the vibrancy and vitality of the R132's streetscape at this location.
- 7.2.3. I also consider the principle of providing a new internal access road through the appeal site and linking this access to the applicant's landholding to the south by way of demolishing part of an existing warehouse is also acceptable. As this adjoining

landholding appears to be a busy and of significant size agricultural merchants/warehousing depot. At the time of my site inspection I observed that the applicants adjoining land use generates a high volume of traffic.

7.2.4. At present this landholding is served by an entrance that opens directly onto R132 at a point where it meets the R177 inside a signalised junction.

7.2.5. This access is the only uncontrolled entrance onto this signalised junction. In addition, this entrance has restricted visibility in a southerly direction due to the sightlines being restricted by an attractive period redbrick double gabled warehouse building that I also observed includes two wide openings in its principal elevation that are of a size that could potentially cater for vehicle access into and from this building. I further observed that they open onto the public footpath at a point where the kerb is dropped along its roadside edge.

7.2.6. During my site inspection I observed vehicles having difficulties accessing the applicants agricultural merchant/warehousing depot.

7.2.7. I also observed conflict between the road users of the two regional routes using manoeuvring at the R132 and R177 junction when encountering vehicles entering and exiting this entrance.

7.2.8. I consider that in this instance that it was reasonable for the Planning Authority to seek an improvement to road user's safety at what is a heavily trafficked junction where two regional roads meet by way of restricting access to pedestrian and cyclists only from the existing entrance serving the applicants landholding by way of Condition No. 2

7.2.9. The existing entrance is substandard, and it poses a significant traffic hazard to road users during the hours in which the applicants agricultural merchant/warehouse depot are operational.

7.2.10. In conclusion I consider Condition No. 2 is appropriate to protect and safeguard road users using the R132 and R177 signalised junction and that it is in accordance with the proper planning and sustainable development of the area.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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. Having regard to the nature of the condition subject of the appeal and based on the reasons and considerations set out below, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended, to **RETAIN** Condition No. 2 of the Planning Authority's grant of planning permission.

8.2. Reasons and Considerations

Having regard to: -

- (a) The provisions of the Dundalk & Environs Development Plan, 2009-2015, which is still the applicable Development Plan for the appeal site and its immediate setting.
- (b) The location of the existing uncontrolled vehicular entrance opening onto a heavily trafficked intersection and junction of two regional roads, i.e. R132 and R177.
- (c) The substandard nature of the existing uncontrolled vehicular entrance for access onto the R132 Regional Road, at a junction between it and the R177 Regional Road. The existing entrance is substandard in nature due to its restricted sightlines particularly in a southerly direction, the restricted sightline when R132 is operating at capacity in a southerly direction, the restricted views towards the R177 and its juxtaposition alongside what appears to be two vehicular entrances which form part of the principal façade of an adjoining building. The latter has the potential to result in further conflict with road-users within the R132/R177 signalised junction.
- (d) The maintenance of this existing entrance represents a traffic hazard and would endanger public safety of road-users in its vicinity.

It is considered that Condition No. 2 is necessary for the protection of road users at the R132 and R177 signalised junction and that it is in accordance with the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

20th December 2018.