



An
Bord
Pleanála

Inspector's Report ABP309096-20

Development	Retain replacement sheeting on walls and roof of existing machine shed and carparking.
Location	Main Street, Clonroche, Enniscorthy, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20201192
Applicant(s)	Flood Ironworks Limited
Type of Application	Retention permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Flood Ironworks Limited
Observer(s)	Ruth Watson
Date of Site Inspection	2 nd April 2021
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.33ha and is located on the northern side of the N30 in Clonroche, Enniscorthy, County Wexford. The N30 links Enniscorthy with New Ross. The site is occupied by an established sheet metal working business (Flood Iron Works). Clonroche village centre is to the east of the entrance to the application site and there are five houses (three terraced and two semidetached) which front onto the N30 but back onto the application site). To the east of the application site and accessed from the village centre is a “Woodlands” a residential development of about 18 houses. To the southwest of the site with access onto the N30 is a housing development of about 40 houses (Canon Murphy Park). The speed limit on the N30 fronting the application site is 50kph. A footpath links the houses in Canon Murphy Park and the application site to the village centre.
- 1.2. The site has a single vehicular entrance from the N30 national primary route. Immediately to the left (southwest) of the entrance within the application site is the machinery shed the main subject of this application which has been reclad and is proposed for retention. In front of and to the right of the entrance is an open storage/circulation area and a second shed. Beside this second shed is the floor plate of a building demolished following the Board’s decision in PL304324-19. There is a third shed on the north-eastern boundary and a small roofless structure on the immediate right of the entrance.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of replacement sheeting on the walls and roof of an existing machine shed and permission for a formal parking layout/improved circulation and turning, internal buffer wall within the yard, front boundary wall and gates and associated works at Main Street, Cloncroche, County Wexford.

3.0 **Planning Authority Decision**

3.1. **Decision – Refuse.**

3.2. The subject site is zoned ‘residential’ in the Clonroche Local Area Plan 2009-2015 (as extended), in which the objective is ‘to protect and improve residential amenities’. This objective is considered reasonable. Within this land use zoning objective, general industry and light industry are recorded as land uses which are not permitted. Having regard to the statutory zoning of the subject site, and notwithstanding any established authorised uses on the subject site, it is considered that the development for which retention permission is sought and the additional proposed development, would seriously injure the amenities of residential property in the vicinity and would materially contravene the statutory zoning objective as set out in the Local Area Plan. The development for which retention permission is sought and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The planner’s report recommended refusal as set out in the manager’s Order.

3.3.2. Other Technical Reports

3.3.3. **Roads Section** recommended a grant of permission.

3.3.4. The **Chief Fire Officer** stated that a Fire Safety Certificate was required for the proposed development.

4.0 **Planning History**

4.1. Under reference 20190214/ABP 304324-19 permission was refused for the retention of a storage shed and for a change of elevation and roof materials on an adjoining shed because the site is zoned for the protection of residential amenity in the LAP and the proposed development would materially contravene that zoning objective and seriously injure the residential amenity of property in the area.

- 4.2. Reg Ref 20062308 – Planning permission was granted in 2007 subject to 12 conditions for the retention of existing one and part two storey light industrial building and associated site works and permission for a development comprising of an extension (125sqm additional ground floor area) to existing one and part two storey light industrial building, also including associated site at Clonroche, County Wexford.

5.0 Policy and Context

5.1. Development Plan

- 5.2. The operative plan for the county is the Wexford County Development Plan 2013-2019 and the Clonroche Local Area Plan 2009-2015 (as extended).

- 5.3. Chapter 18 of the Wexford County Development Plan 2013-2019 sets out the Development Management Standards. Relevant Section of the Development Plan are as follows:

- 5.4. Section 3.4.9 – Smaller Villages

- 5.5. Section 6.4.1 – Industry, Manufacturing, Research, Technology and Innovation

- 5.6. Objective ED03 – It is an objective of the Council to permit the extension of an existing industry or enterprise facility within towns or villages provided the resultant and form of the enterprise is compatible with the character and scale of the area and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

- 5.7. The zoning map accompanying the Clonroche Local Area Plan 2009-2015 (as extended) designates the appeal site as “residential” where the Zoning Objective is to protect and improve residential amenities. This zoning provides for the protection and improvement of the residential amenity and the provision of new and improved ancillary services. I refer to Figure 4.1 Land Use Zoning Matrix. Neither General Industry nor Light Industry are permitted within this zoning. It is noted that there is a large swath of lands zoned for Industry at the other side of Clonroche to the north east.

5.8. Natural Heritage Designations

Not relevant.

5.9. EIA Screening

5.10. Having regard to the nature and scale of the proposed development (wall and roof cladding and the laying out of a circulation/parking area and amended boundary treatment) I consider that there is no real likelihood of significant effects on the environment arising from the proposed development and I conclude that the need for environment impact assessment can, therefore, be excluded at preliminary examination stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The site has been in industrial use since the 1950s.
- The activity carried on within the site is 'general industrial' rather than light industrial. Metal fabrication includes metal cutting, bending and assembling processes. Metal cutting is done mechanically and manually, bending is done by hammerings and mechanically with press brakes and assembly is done primarily by welding – these processes give rise to a degree of noise, vibration and fumes.
- A noise survey of the site in 2006 confirmed that noise levels within the site were incompatible with a designation of light industrial and a permission was granted including a condition requiring noise reduction measures. The development has subsequently generally complied with that condition restricting hours of business, working indoors and insulating the buildings on site for noise.
- Planning reference number 20190214/ABP304324-19 was refused permission on appeal for non-compliance with the LAP and injury to the residential amenity of adjoining property.
- The Clonroche LAP has expired.

- The applicant included improvements to the conditions on site which support the amenity of adjoining property.
- There are 11 employees (including the applicant) and any intensification/expansion has stopped. The activity on site is now at 2006 levels.
- The Board's concerns in ABP304324-19 revolved around the proposed industrial spraying. That spraying shed have been removed and spraying operations ended.
- The applicant does not own the second entrance to the site. It is a shared entrance.
- The applicant is seeking a site on zoned land to relocate his business.

6.2. **Planning Authority Response**

- No further comments to make.

6.3. **Observations**

- The site is zoned for residential use and therefore the industrial use is inappropriate.
- The conditions of an earlier permission have not been implemented in relation to surface water management, security lights, noise levels and landscaping.
- The proposed development seriously injures the amenity of nearby residential property by way of noise, vibrations, dust and smells.

6.4. **Further Responses**

None.

7.0 **Assessment**

- 7.1. The application site has been in industrial use for some years. The planning history of the site includes a refusal for an expansion of the uses on site under ABP304329-

19 and the structure refused permission under that application has been demolished and the spraying activity has ceased.

- 7.2. Apart from the five houses which front onto the N30 and back onto the application site the closest housing is the Woodlands housing development to the northeast accessed from the N30 in the village centre. This is where the observer's house is located.
- 7.3. I carried out an unannounced site inspection including of the internal arrangements of the shed for which retention of the roof and wall cladding is being sought. The roller shutter door was closed at the time and I could not hear any noise from outside the shed. When I entered the shed via a side door when a machine was being operated and I could hear only a low hum. The shed is relatively modest in scale with a floor area of 130m² and is located as far away from any residential use, including the observer's house in the Woodlands housing development to the northeast, as the location and layout of the site allows.
- 7.4. The applicant makes the point that he is trying to find an appropriately zoned site where he plans to relocate his business.
- 7.5. Having regard to;
- the noise suppression effect of the cladding on the walls and roof of the shed,
 - the location of the shed as far as possible from any sensitive residential uses as the size and layout of the site allows,
 - the stated intention of the applicant to move the business to an appropriately zoned location,

I consider that a permission for 3 years would allow the applicant to find a more appropriate location for the business while respecting the residential amenity of the neighbouring residential uses.

- 7.6. In relation to the other elements of the application (a revised parking layout/improved circulation and turning, internal buffer wall within the yard, front boundary wall and gates) I consider that these would enhance the visual amenity of the approach along the N30 to the village centre and the parking and amended boundary would enhance the residential amenity especially of the five houses between the site the public road.

7.7. **Surface Water**

7.8. The application form states that the surface water arising within the site will be discharged to an existing public sewer. The planning authority's planner's report notes that surface water will discharge to the public system and that no additional hard standing is proposed within the application site. The planning authority's roads engineer required that surface water be disposed of within the site in accordance with SUDS and that the applicant agree details with the planning authority.

7.9. The proposed development will not increase the surface water loading arising within the application site or discharging to the public sewer as the applicant and planning authority state. Having regard to the foregoing I conclude that this matter may be addressed by way of condition as set out in the draft order below.

7.10. **Appropriate Assessment Screening**

7.11. The application did not screen for appropriate assessment.

7.12. The current County Development Plan includes an appropriate assessment and maps the European sites within the County (illustrated in Figure 2.1 in the AA report). The closest European site to the application site is the Slaney River Valley SAC (00781) and a tributary of the Slaney flows northwest to south east under the N30 about 3kms northeast of the application site. Having regard to the separation distance between the application site and the closest point of the SAC, the qualifying interests and conservation objectives for the SAC as set out by the NPWS, the absence of any additional surface water arising within the application site over and above that currently doing so and the material submitted with the application and appeal I conclude on the basis of the available information, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Slaney River Valley SAC (00781) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Recommendation**

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

Having regard to the modest scale of the proposed development comprising the retention of cladding to the walls and roof of a shed and the laying out of on-site parking, circulation area, boundary walls and a gate it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential amenity of nearby property or the visual amenity of the area and would otherwise accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission shall be for a period of 3 years (three years) from the date of this order. At the end of that period the shed shall be removed unless, prior to the end of the period, permission for its retention shall have been granted.</p> <p>Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of residential amenity.</p>
3.	<p>The disposal of surface water shall comply with the requirements of the planning authority.</p> <p>Reason: In the interests of water quality.</p>

4.	<p>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.</p> <p>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.</p>
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. Hugh Mannion
Senior Planning Inspector

8th April 2021