



Ref: P.16/767

13th February, 2017.

To: The Cathaoirleach, and
Each Member of Kilkenny County Council

Re: Material Contravention
of Kilkenny City and Environs Development Plan 2014-2020
Planning Reference No. in Planning Register : P.16/767

Applicant: Duggan Profiles & Steel Service Centre Ltd.
C/O Alan Guildea, EDPM Ltd, Consulting Civil Structural Engineers,
7, Ormonde Road, Kilkenny

A Chara,

I enclose copy of Chief Executive's report in relation to proposed Material Contravention of Kilkenny City and Environs Development Plan 2014-2020 for consideration by the Members of Kilkenny County Council. The matter will be listed for consideration at the February meeting of the Council to be held on Monday 20th February, 2017.

Should the Council decide to pass a Resolution it shall be necessary that the number of the members of the Planning Authority voting in favour of the Resolution is not less than three quarters of the total number of the Members of the Planning Authority or where the number so obtained is not a whole number, the whole number next below the number so obtained shall be sufficient.

Mise, le meas

Mary Mulholland
Director of Services
Planning



COMHAIRLE CHONTAE CHILL CHAINNIGH

KILKENNY COUNTY COUNCIL

CHIEF EXECUTIVE'S REPORT

Ref: P.16/767 13th February, 2017.

Re: Material Contravention
of Kilkenny City and Environs Development Plan 2014-2020
Planning Reference No. in Planning Register : P.16/767

Applicant: Duggan Profiles & Steel Service Centre Ltd.
C/O Alan Guildea, EDPM Ltd, Consulting Civil Structural Engineers,
7, Ormonde Road, Kilkenny

A Chara,

Planning Application P.16/767 relates to development which would comprise of the construction of a boundary wall and extension of a storage yard attendant to industrial/warehousing including associated works at Sion Road, Middleknock, Kilkenny.

This proposal involves a material change of use of low density residentially zoned lands to use for industrial/warehousing purposes and if granted, would MATERIALLY CONTRAVENE the Kilkenny City and Environs Development Plan 2014-2020.

The development, as set out on plans and particulars, is considered acceptable (as recommended in the attached Planner's Report of 13th February, 2017) and is consistent with the principles of the proper planning and sustainable development of the area.

It is therefore recommended that the proposed development should be granted as a MATERIAL CONTRAVENTION of the Kilkenny City and Environs Development Plan 2014-2020.

This report is for the consideration of the Elected Members of Kilkenny County Council at its meeting to be held on 20th February, 2017. Section 34(6) of the Planning and Development Act (as amended) provides for a Resolution requiring that a decision to grant permission be made. Such Resolution is achievable whereby at least 16 Members of the 24 Member Council vote in favour of the Resolution.

SIGNED:

Colette Byrne
Chief Executive



Reg. Ref. P.16/767

Date: 13/02/2017

Planning and Development Acts 2000-2015

Planning and Development Regulations 2001-2015

Applicant: Duggan Profiles and Steel Service Centre Ltd.

Address: Sion Road, Middleknock, Kilkenny

Development: Permission is sought for a proposed boundary wall and extending a storage yard attendant to industrial/warehousing including associated works

Development Proposed:

The proposal is to extend the existing storage yard and marshalling area to the rear of the Duggan Profiles and Steel facility by 32m into neighbouring greenfields low density residential site along the Sion Road. The width of the extension will be 155m and thus the site will measure 0.496 ha and comprise 22.54% of the larger low density zoned site, which extends over 2.22ha.

Zoning:

Phase 1 - Low Density Residential

Objective: To protect, provide and improve residential enmities at low density. Low density housing is defined as not more than 10 units per Ha (4 per Acre) on average and must have regard to the character of the area.

The extension of the storage and marshalling yard will be contrary to the zoning objective and would require a material contravention.

Referrals

Roads: No objection

Irish Water: No objection

Site Planning Status:

Greenfields site with all permissions granted having expired.

Application process:

Application submitted: 17/11/2016.

<u>Notice of proposed Material Contravention placed:</u>	Kilkenny Reporter:	13/01/2017
	Kilkenny People:	20/01/2017
	Last date for submissions:	13/02/2017

Third Party Submissions/Observations received: None

Assessment:

The proposal is for the extension off the existing marshalling and storage yard to the rear of Duggan Steel on the Dublin Road to be extended by 32m into neighbouring greenfields low density residential site. In order for Duggan Steel and Profiles to maintain their presence on the Dublin Road whilst complying with new Regulations on the storage of steel products, it is imperative for them to extend their premises to obtain additional space for such future compliant storage.

The site will have no direct access off the Sion Road at Middleknock and all traffic will still access the site from the exiting entrance on the Dublin Road. It is proposed to raise the site level with hardcore over the full yard extension by between 0.2m and 1.1m and due to this requirement to level the site, it is proposed to erect a 2.4m to 3.4m high reinforced shuttered concrete boundary wall with vertical and horizontal joints and tie holes and precast capping along the site's boundary with the neighbouring residential lands and along the Sion Road. The proposed reinforced concrete wall, although fairly high and robust, will be essential to protecting future residential amenity and will also support the storage and marshalling activities on site.

At the development plan upper limit of 10 units per Ha on low density residential lands, the change of use of this portion of land (0.496Ha) will lead to the potential development loss of 5 low density housing units. It is considered that in the absence of any existing planning permission and/or applications for housing on the site, the further reinforcement of the presence of Duggan Profiles and Steel in their current location outweighs the potential for 5 low density houses at this location.

Material Contravention:

Having regard to:


- The Kilkenny City and Environs Development Plan 2014-2020
- The application documentation
- The limited extent of the current Duggan Steel and Profiles site and their ability to meet new regulations as regard the storage of steel products
- The need to facilitate their ongoing needs at their current location
- The greenfields nature of the neighbouring site and the lack of potential to impact existing residential amenity
- The limited residential potential of the neighbouring lands for future development (potential loss of five low density housing units only)
- The lack of suitable alternatives

it was considered that the proposed development will not have a significant adverse impact on or exiting residential amenity or the development potential of the neighbouring lands.

The proposed use is however not a "permissible use" or "open for consideration" under the current "Low Density Residential" zoning as per the Kilkenny City and Environs Development Plan 2014-2020. Accordingly it was recommended that the material contravention procedure be initiated.

Conclusion

Having regard to the above, it is considered that the proposed development would therefore be in accordance with the proper planning and sustainable development of the area and approval of this material contravention is therefore sought.



Nicolaas Louw
Senior Executive Planner

13/02/2017
Date

I agree with the above recommendation.



Denis Malone
Senior Planner

13/02/2017

I agree with the above recommendation.



A.M. Walsh
Senior Executive Officer

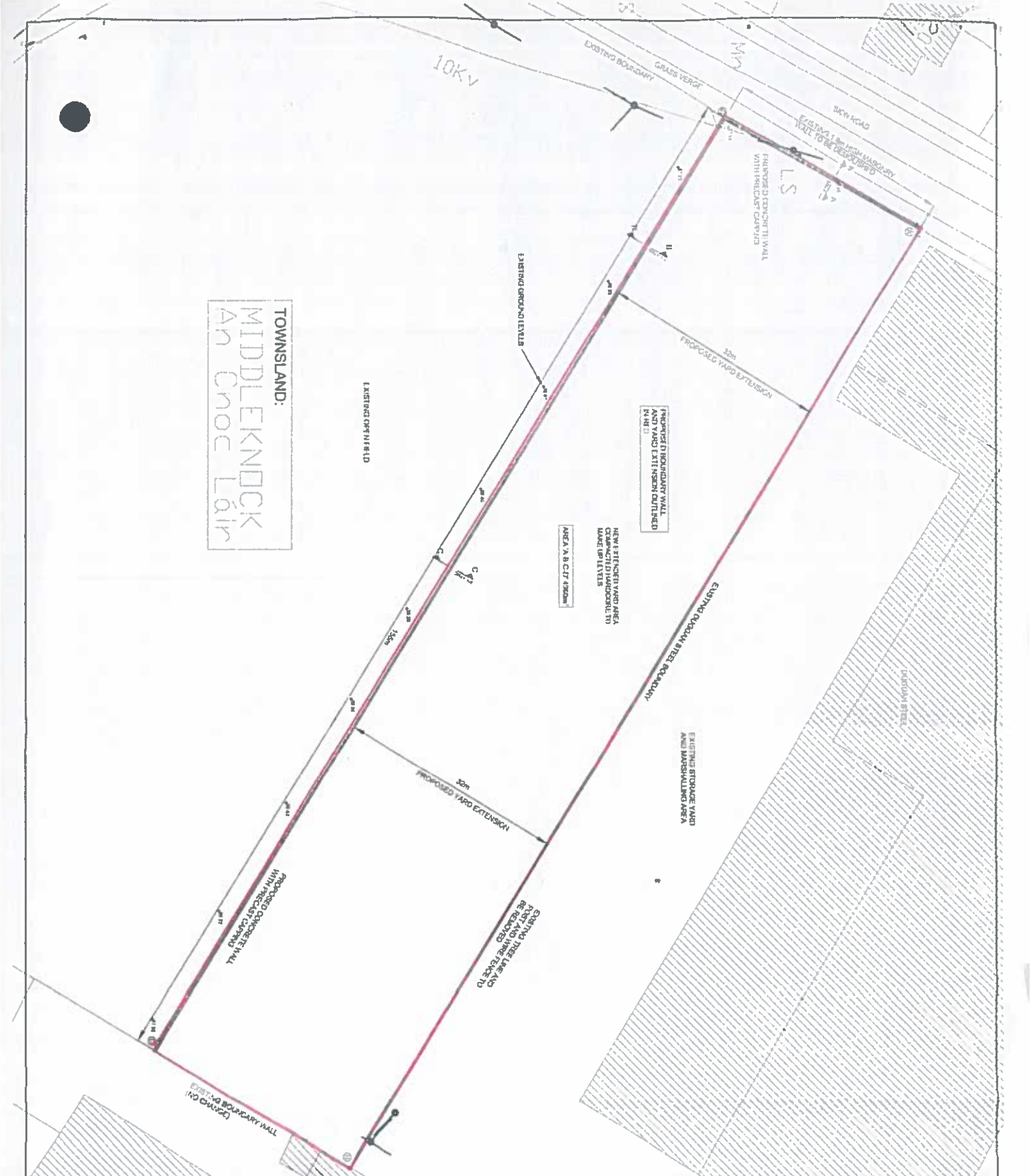
13/2/2017



M. Mulholland
Director: Planning

13/2/2017

TOWNSLAND:
MIDDLEKNOCK
AN Cnoc Láir



PLANNING SECTION
Received
1 / NOV 2016 / 16 / 17 67
E. D. P. M. Ltd

No.	Date	Description	By	Chk
REVISIONS				

E. D. P. M. Ltd
Consulting Engineers, Designers & Project Managers
111 Springmount, 111 Springmount, 111 Springmount
Tel: 01764 611111 Fax: 01764 611111
www.edpmltd.com

PROJECT:			
PROPOSED BOUNDARY WALL AT SOM ROAD FOR DISCOM PROFILES AND STEEL SERVICE CENTRE			
TITLE: SITE LAYOUT PLAN			
STATUS:	PLANNING	DATE:	2016/11
SCALE:	1:500	DRAWN BY:	P-101
DATE:	NOV 16	CHECKED BY:	

COMHAIRLE CHONTAE CHILL CHAINNIGH

KILKENNY COUNTY COUNCIL

Meeting Held: 20th February, 2017.

Proposed By: _____

Seconded By: _____ **and resolved**

That in accordance with Section 34(6) of the Planning and Development Act 2000, as amended, a Decision to Grant Planning Permission shall be made, subject to appropriate conditions, to;

Duggan Profiles & Steel Service Centre Ltd. C/O Alan Guildea, EDPM Ltd, Consulting Civil Structural Engineers, 7 Ormonde Road, Kilkenny for; a material change of use of low density residentially zoned lands to use for industrial/warehousing purposes, to comprise as follows:

Construction of boundary wall and extend storage yard attendant to industrial/warehousing including associated works at Sion Road, Middleknock, Kilkenny

Ref. No. in Planning Register - P.16/767

SIGNED: _____
CHAIRMAN

DATE: _____