



An
Bord
Pleanála

Inspector's Report

ABP-305290-19

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| Development | Retention of workshop for replacing car windscreens and associated site works. |
| Location | Ballynabola, Old Ross, Co. Wexford. |
| Planning Authority | Wexford County Council |
| Planning Authority Reg. Ref. | 20181696 |
| Applicant(s) | William Whitty |
| Type of Application | Permission |
| Planning Authority Decision | Grant with Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Catherine Morrissey |
| Observer(s) | None |
| Date of Site Inspection | 31 st December 2019 |
| Inspector | Mary Crowley |

Contents

| | |
|--|----|
| 1.0 Site Location and Description | 4 |
| 2.0 Proposed Development | 4 |
| 3.0 Planning Authority Decision | 4 |
| 3.1. Decision | 4 |
| 3.2. Planning Authority Reports | 5 |
| 3.3. Prescribed Bodies | 5 |
| 3.4. Third Party Observations | 6 |
| 4.0 Planning History..... | 6 |
| 5.0 Policy Context..... | 6 |
| 5.1. Development Plan..... | 6 |
| 5.2. Natural Heritage Designations | 6 |
| 5.3. EIA Screening | 6 |
| 6.0 The Appeal | 7 |
| 6.1. Grounds of Appeal | 7 |
| 6.2. Applicant Response | 8 |
| 6.3. Planning Authority Response | 8 |
| 6.4. Observations | 8 |
| 6.5. Further Responses..... | 8 |
| 7.0 Assessment | 8 |
| 7.2. Principle | 9 |
| 7.3. Residential Amenity | 9 |
| 7.4. Other Issues..... | 10 |
| 8.0 Recommendation..... | 11 |

9.0 Reasons and Considerations..... 11

10.0 Conditions 11

1.0 Site Location and Description

- 1.1. The site with a stated area of 1.7 ha comprises an existing auto repair facility that is accessed via the rear car park that serves the House & Hound public house in the centre of the small village of Ballynabola. The shed, the subject of this appeal is located within the curtilage of the existing auto repair garage.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail

2.0 Proposed Development

- 2.1. Planning permission is sought for the retention of a workshop (94 sqm) to be used for replacing car windscreens with associated site works. The application was accompanied by the following:
 - Cover letter stating that the shed in question was first erected for use as part of a car wash facility and that this has since been closed down on foot of an enforcement order.
 - Letter from the landowner giving consent to apply for permission
 - Certificate of Incorporation
- 2.2. Further information was submitted on the 12th July 2019 comprising the following:
 - Site layout for the location of a skip for the storage of broken windscreens
 - Letter from Midland Scrap Metal Co Limited re storage and collection of glass
 - Letter from Whitty Autobody stating that the number of windscreen removals / installations would be approximately 15 per month.
 - Site layout plan of outdoor illumination on site

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued a notification of decision to grant permission subject to 7 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There is only one planning report recorded on the file. The contents appear to be an amalgamation of two reports (original and further information) and may be summarised as follows:

- The Case Planner initially sought further information in relation to items raised by the Environment Section. See below for summary. Further information was requested on the 8th February 2019. It is stated in the Planners report that *on site inspection, the structure was being used to replace windscreens and there was no evidence of car valeting activity.*
- The Case Planner having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

3.2.3. Other Technical Reports

- **Environment** – Further information sought in relation to storage of waste glass / windscreens on site; contact details of those contracted to remove waste glass / windscreens from the site and estimated volume of waste glass / windscreens generated on site. It is stated in the report that *no car washing was taking place at the time of the site visit.*
- There is no further report from Environment recorded on the appeal file. However it is noted from the Case Planners report that Environment *recommend a grant of planning permission on foot of the further information received.*

3.3. Prescribed Bodies

3.3.1. No reports on file.

3.4. **Third Party Observations**

- 3.4.1. There are two observations recorded on the appeal file, both from Catherine Morrissey, adjoining neighbour. The issues raised relate to continued use of shed as a valeting service despite enforcement action, shed facing directly onto the observers back garden, constant noise, increase in traffic, works on Saturday, spot lights and that the car wash area has not been removed.

4.0 **Planning History**

- 4.1. There is no evidence of any previous planning application or subsequent appeal on this site.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The operative plan for the area is the **Wexford County Development Plan 2013 – 2019**.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site. The closest sites are as follows:

- River Barrow & River Nore SAC (002162) which is c 6.6km from the appeal site
- Bannow Bay SAC (000697) which is 9.9km from the appeal site

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Catherine Morrissey and may be summarised as follows:

- Planning was subject to an enforcement order where they were instructed to case carwash / valeting operation, remove shed, remove concrete apron, remove hardcore, hardstand and roadway.
- The car washing has ceased on this area of the site but the valeting is still continuing. There is a constant noise from the workers shouting and laughing in the open shed.
- As an autobody repair shop windscreen fitting has been a key feature in the main building for the past several years so there should be no need for a sperate shed for it now.
- Submitted that the applicant stated that as every car that has a windscreen fitted needs to be hoovered out it is submitted that the application is a front to continue the valeting business. Submitted that the applicant has a contract with four car sales dealerships in Wexford.
- The public car wash operation stopped because the applicant was told the site would not pass a hydrology text. However it continues to operate at the side of the main shed where the applicant was doing it before he set up the new operation.
- The spotlights were supposed to be removed under the enforcement order but they are still there an they are on all night long.
- Work commences at 07.30 am each morning including Saturdays and this is considered way too early especially on weekends.
- This new shed and the valeting and former car wash has greatly impacted on the quality of life and enjoyment of their home by reason of radios blaring from cars as they are being hoovered.
- The new operation will completely devalue the objectors house.

- This area has not been deemed as a commercial / business area.

6.2. Applicant Response

6.2.1. No response from the applicant is recorded on the appeal file.

6.3. Planning Authority Response

- During the processing of this application, the site was visited on at least two separate occasions by the Planning Authority and the Environmental Section of Wexford County Council. On both visits it was noted that there was no evidence of the washing or valeting of cars and that shed was been used solely for replacing car windscreens.
- It is considered that the proposed use of the shed for replacing windscreens within the curtilage of the auto body repair shop is considered compatible with the existing use and is therefore acceptable.

6.4. Observations

6.4.1. No observations recorded on the appeal file.

6.5. Further Responses

6.5.1. No further responses recorded on the appeal file.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Residential Amenity
- Other Issues

7.2. Principle

- 7.2.1. Permission is sought for the retention of a workshop (94 sqm) to be used for replacing car windscreens with associated site works. As documented in the appeal file and as observed on day of site inspection the principle use at this site is that of an accident repair centre. Site photos refer. Overall, I agree with the Case Planner that the proposed use of the shed for replacing windscreens within the curtilage of the established auto body repair shop to be ancillary to the existing use and therefore the proposed development is acceptable at this location.

7.3. Residential Amenity

- 7.3.1. Having regard to the contents of the appeal it would appear that the main objection relates to the alleged car wash / valeting operation which is impinging on the residential amenity of the appellants home. It is noted from the information on file that the shed in question was first erected for use as part of a car wash facility and that this has since been closed down on foot of an enforcement order. No details pertaining to the enforcement order have been made available with the appeal file.
- 7.3.2. It is stated in the Case Planners report that on day of site inspection the structure was being used to replace windscreens and that there was no evidence of car valeting activity. It is further stated in the Wexford County Council Environment report that no car washing was taking place at the time of their site visit. During my site inspection there was no evidence of the washing or valeting of cars occurring at the shed. Based on the information available I am satisfied that there is no evidence to suggest that there is any car washing / valeting operation taking place at the shed the subject of this appeal. It is however important to note that matters pertaining to any unauthorised uses at this location is a matter for Wexford County Council.
- 7.3.3. While the use of the shed for replacing windscreens is acceptable in principle, I note from the appellants submission concerns raised that every car that has a windscreen fitted needs to be hoovered out and that this may be a front to continue the valeting business. Hoovering as part of windscreen replacement appears to be a perfectly reasonable element of the process. However in the interest of clarity and to avoid any confusion it is recommended that should the Board be minded to grant

permission that a condition be attached restricting the use of the proposed development to the replacement of car windscreens only.

7.3.4. With regards to the concerns raised in relation to hours of operation and noise I am satisfied that these matters can be dealt with by way of a suitably worded condition restricting working hours and noise levels. With regards to the continued operation of spot lights all night long I note from the further information submitted (site layout drawing refers) that the light on the front of the main building to the north of the shed are to operate from dawn to dusk with the floodlights adjoining the shed to be switched on when staff are closing the premises in the evening and switched off in the morning. While I appreciate that this may be necessary for reasons of security, I am concerned that there continued use may have a negative impact on the residential amenities of the appellants property. Accordingly, it is recommended that should the Board be minded to grant permission that a condition be attached restricting the use of outdoor lighting on a continual basis outside of permitted working hours and that sensor only lighting be used with details to be agreed with the Planning Authority.

7.3.5. I note that concern is raised by the appellant regarding the depreciation in adjoining residential property values. I am generally satisfied having regard to the existing use on the appeal site that the proposed development to be retained is compatible with existing uses and will not result any significant loss of amenity to adjoining properties and is not therefore considered to be a bad neighbour in this context. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

7.4. **Other Issues**

7.4.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the retention of workshop for replacing windscreens and its 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.

7.4.2. **Development Contributions** – Wexford County Council has adopted a Development Contribution scheme; Wexford County Council Planning Authority Area Development Contribution Scheme 2018, under Section 48 of the Planning and Development Act 2000 (as amended). I have considered the sections entitled “Exemptions” and “Incentives (Discounting / Credit)”. The proposed development does not fall under the exemptions / incentives listed in this scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 Recommendation

8.1. It is recommended that permission be **granted** subject to the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the location of the site, the nature and scale of the proposed development to be retained, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12 th July 2019 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 |
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| | <p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>(a) The use of the proposed development shall be limited to the replacement of car windscreens only.</p> <p>(b) The shed for the replacing of car windscreens shall only be used between 08.00 hours and 18.00 hours on Mondays to Saturdays inclusive only.</p> <p>(b) No signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of clarity and to protect the visual and residential amenities of the area</p> |
| 3. | <p>Comprehensive details of the outdoor lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, within 1 month from the date of decision to grant planning permission. Sensor only lighting shall be used. No outdoor lighting shall be operational on a continual basis outside of permitted working hours as set out in Condition No 2(b).</p> <p>Reason: In the interest of residential and visual amenity</p> |
| 1. | <p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-</p> <p style="padding-left: 40px;">(i) An Leq, one hour value of 55 dB(A) during the period 0800 to 2100 hours from Monday to Saturday inclusive.</p> <p style="padding-left: 40px;">(ii) An Leq, 15 minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of</p> |

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| | <p>the site.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p> |
| 2. | <p>All waste generated from the workshop shall be removed from the site and disposed of by holders of an appropriate waste permit. Details shall be agreed in writing with the Planning Authority within 1 month from the date of decision to grant planning permission</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p> |
| 3. | <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> |

Mary Crowley

Senior Planning Inspector

2nd January 2020