



An
Bord
Pleanála

Board Direction
ABP-300665-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/10/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the proposed change of use from a garage/filling station to a car wash/valeting use, at Loughboy Filling Station, Mell, Drogheda, Co. Louth is or is not development or is or is not exempted development:

AND WHEREAS Mr. Eugene O'Connor, C/O John Dineen B.E., M.I.E.I., C. Eng, Castle View, Cardoogan, Monasterboice, Co. Louth requested a declaration on this question from Louth County Council and the Council issued a declaration on the 14th day of December 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Mr. Eugene O'Connor referred this declaration for review to An Bord Pleanála on the 11th day of January 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2 (1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3 (1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4 (1) of the Planning and Development Act, 2000, as amended,
- (d) Article 6 (1) of the Planning and Development Regulations, 2001, as amended,
- (e) Article 9 (1) of the Planning and Development Regulations, 2001, as amended,
- (f) Article 10 of the Planning and Development Regulations, 2001, as amended,
- (g) Part 4 of the Planning and Development Regulations, 2001, as amended,
- (h) The prevailing pattern of development and road layout in the area,
- (i) The intensification of the use of the site in relation to the disposal of wastewater and traffic generation,

AND WHEREAS An Bord Pleanála has concluded that:

- a) The use of the site at Loughboy Filling Station, Mell, Drogheda, County Louth has changed from a garage/filling station to car wash /valeting use,
- b) The change of use requires the use of large quantities of water and detergent along with the need for measures to manage wastewater, and has the potential for queuing of vehicles along the road frontage of the neighbouring sites which would in turn give rise to a traffic hazard,
- c) The change of use is therefore an intensification of use of the site

and is therefore a material change of use and is therefore development

- d) The development does not benefit from any of the exemptions available and therefore is not exempted development

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the proposed change of use from a garage/filling station to a car wash/valeting use is development and is not exempted development.

Board Member:

Date: 26/10/2018

John Connolly