



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: S5/2017/36

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, County Louth is or is not development or is or is not exempted development:

AND WHEREAS Eugene O'Connor care of John Dineen of Castle View, Cordoogan, Monasterboice, County 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 is development and is not exempted development:

AND WHEREAS Eugene O'Connor referred the 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, and
- (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 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, and
- (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 (3) (a) of the 2000 Act, as amended, 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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.