



An
Bord
Pleanála

Board Order ABP- 313574-22

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/251

Appeal by Pargo One Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 19th day of April, 2022 by Meath County Council to refuse permission for the proposed development.

Proposed Development: Change of use from vacant retail warehouse to motor showroom. The proposed development includes for internal alterations to existing floor layout to provide for car showroom, customer reception, offices, pre-delivery inspection/valeting, toilets and staff canteen. No increase in gross floor area arises and there are no changes to the elevations as part of the proposed development for the subject unit. The development includes all ancillary works to facilitate the development, all at Unit 18, Ashbourne Retail Park, Ashbourne, County Meath, on a site of 696.6 square metres.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan, 2021-2027, and the specific characteristics of the site and surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of design and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, and having regard to the planning authority's view, the Board considered that the conversion of the retail unit to a use that is identified in the development plan as 'open for consideration' would not in this instance represent a material contravention of the plan. In coming to this conclusion the Board had regard to Section 11.6.6 of the development plan and the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April 2012 and the Board considered that a Motor Showroom is not a class of use that should appropriately be directed to town centres and considered that this development would be complimentary to adjoining and neighbouring land uses already present within the retail park. The Board considered that the proposed development would not seriously injure the amenities of the area, nor detract from the sustainability of nearby urban centres, and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. 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.

Reason: In the interest of clarity.

2. No vehicle storage or display associated with this development shall take place outside of the development, and the car park of the retail park shall be used for these purposes.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, the site shall not be converted to retail or other use unless authorised by a further grant of planning permission.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, if required. The developer shall be required to adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health.

6. 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 the 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.

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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 9th day of November 2023