



An
Bord
Pleanála

Inspector's Report PL15.247904.

Development	Change of use as from a surgery (Reg Ref 04/703) to retail including alterations to front elevation and signage to front and side elevations.
Location	14 John Street, Ardee, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	16/815.
Applicant(s)	Anne O' Flynn.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Joseph Thornton.
Observer(s)	None.
Date of Site Inspection	19 th of April 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The subject site is a semi-detached single storey dwelling located along John Street, a main road south of Ardee Town, Co. Louth. The subject site is located in a residential area on the outskirts of Ardee town with the commercial area ending 200m to the east of the site.
- 1.2. The front room of the dwelling has been previously converted for use as a doctor's surgery (46m²) with the remainder of the dwelling in use as residential. Car parking the rear of the site is via a private gate and there is a large private garden backing onto the River Dee.

2.0 Proposed Development

- 2.1. The proposed development includes the following:
 - Change of use of from surgery to shop (46m²);
 - Alterations to the front elevation including an increase in the size of the window opening and new timber signage board with raised lettering.
 - New timber signage board along the west elevation above an access door.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 3 conditions, those of note include:

C 2: A concealed bin storage area shall be provided on the premises.

C 3: With the exception of the advertising submitted with the application, no other advertising is permitted without a separate permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflected the decision to grant permission and refers to the existing commercial use on the site and notes the issues raised in submissions with regard to parking and signage.

3.2.2. Other Technical Reports

Infrastructure- No objection to proposal.

3.3. Prescribed Bodies

Irish Water: No objection to proposal.

3.4. Third Party Observations

Two submissions were received and the issues raised are summarised in the grounds of appeal.

4.0 Planning History

04/703

Permission granted for change of use of existing premises from residential to doctor's surgery and elevation alterations. Condition 2 removed the use of proposed car parking spaces to the rear of the site for use for the surgery.

04/702

Permission granted for alterations to a single storey dwelling to accommodate an apartment. Condition 2 restricted the use of the car parking and private open space to the rear for use by the occupiers of the private unit.

03/1303

Permission refused for a change of use from residential to surgery and two storey extension to the rear to provide 2no self-contained apartments. The office use was refused as it was contrary to the zoning and the scale of the first floor to the rear was detrimental to the area.

5.0 Policy Context

5.1. Guidelines for Planning Authorities Retail Planning (2012)

- **Section 4.11.6:** Local Retail Centres should be safeguarded in development plans to provide local services.
- **Annex 1:** Glossary of terms: Local Centre comprise of a small group of shops of a local nature serving a small, localised catchment population.

5.2. Ardee Local Area Plan 2009-2015

The site is zoned as residential where it is an objective *“to protect and/ or enhance existing residential communities and provide for new residential communities”*

- Table 8.5: Land use zoning matrix
 - Shop (comparison) is not a permitted use
 - Shop (convenience) is open for consideration only as a local shop with not more than 100m² GFA.
- Table 9.1: Car parking
 - Retail: 1 space per 20m² for urban/ brownfield sites.
 - Doctor’s Surgery: 3 spaces per consulting room for urban/ brownfield sites.
- Section 9.4.4: Provision of car parking as per Table 9.1 with sufficient loading and unloading bays.
- Section 9.4.13: Signage shall be kept to a minimum to ensure high quality and safeguard the amenities of the area.

5.3. Natural Heritage Designations

The site is location 5.5km from the Stanbannan- Braganstown SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from an adjoining resident to the west of the site and the issues raised are summarised as follows:

- The proposed development is not consistent with the zoning objective of the development plan, in particular the protection of existing residential amenity.
- The proposed shop is an inappropriate intensification of the site which will have a negative impact on the residential amenity of the adjoining property by way of noise, smells, visitors and extended opening hrs.
- The proposed development will devalue the adjoining property.
- The use of the site as a shop is not justified and located 2m from the town centre zone.
- The proposed development will create a traffic hazard due to inappropriate parking and access and the three spaces to the rear will be ineffective for customers. The proposed development cannot comply with the Section 9.4.4 of the development plan with regard loading.
- The design and signage is inappropriate at this location and does not respect the characteristics of the existing dwelling or surrounding area.
- Condition No 3 is not sufficient in the context of Section 9.4.13 as it does not require any restriction on illumination or colour to be in keeping with the surrounding area.

6.2. Applicant Response

A response was received by an agent on behalf of the applicant which may be summarised as follows:

- Based on the current mix of uses on John Street the proposed development is essentially an extension of the town centre.
- The local area plan acknowledges John Street as an employment centre and references Section 2.4 of the plan "*employment and industrial zoned land was*

mainly confined to the Industrial Estate on John Street". Therefore, the use as a shop is acceptable.

- John Street is referenced in Section 7.1.2, Town Centre and Section 7.1.3 of the LAP refers to the protection of commercial and retail uses in the Town Centre.
- The definition of shop is included in the Planning and Development Regulations 2001, there is no need to specify any other use.
- The size of the shop is only 46m² therefore will not have a negative impact on the adjoining residential amenity, nor would it be big enough to generate a lot of traffic or necessitate the need for delivery of goods.
- The proposed elevational changes are minor in nature and not out of character with the surrounding area.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Visual Amenity
- Residential Amenity
- Access and Parking
- Appropriate Assessment

Principle of Development

- 7.2. The site is part of a row of semi-detached dwellings facing onto John Street, a residential area on the edge of Ardee town. There is currently a small local shop 70m to the east of the site and a vacant convenience shop 120m to the west which is located within the Ardee Town Centre. The current doctors' surgery (46m²) is ancillary to the main residential use and there is an apartment (60m²) adjoining to the rear. The proposed development is for a change of use from doctors' surgery to retail unit. The residential zoning on the site (RE) does not permit comparison retail and convenience retail is open for consideration where the gross floor area (GFA) does not exceed 100m². The grounds of appeal question the justification of need for the retail unit. I note the report of the area planner accepts the existing commercial nature of the site as justification for the principle of the change of use proposal which I do not consider is automatic justification for another commercial use.
- 7.3. The response from the applicant refers to the guidance in the development plan in support of commercial and retail uses along John Street. I note the town centre zoning along John Street does not extend to the subject site and finishes approx. 170m to the east at the vacant convenience shop. The Retail Guidelines for Local Authorities refer to local shops as those retail units which serve the local catchments, as the area is currently well served by an abundance of convenience retail there is no requirement for any additional provision.
- 7.4. A response from the applicant states that it is proposed to operate the retail use as per the definition of "shop" in the Planning and Development Regulations, 2001 (as amended). I note this extends to allow a range of comparison goods and services other than convenience goods, not permitted in the residential zoning for the site. Although a restriction on the sale solely for convenience goods could be restricted by condition, based on the location of the town centre, the presence of a local shop 70m from the shop and a vacant convenience shop 140m from the site, I do not consider the principle of development is justified at this location.

Residential Amenity

- 7.5. The site is a semi-detached dwelling located along a stretch of John Street which is residential in nature. A private laneway separates the appeal site with the dwelling to the west and provides vehicular and pedestrian access to the apartment unit to the

rear, the proposed development includes the use of an additional entrance for the shop along this lane. A first floor bedroom window of the adjoining property faces onto the laneway. The grounds of appeal are concerned that the proposed retail unit would have a negative impact on their residential amenity from an increase in antisocial behaviour and noise due to an increase in visitors, particularly adjoining their dwellings.

- 7.6. The retail unit is 46m² in size, and would attract a significant increase in visitors more than the current doctors' surgery could accommodate considering there is only sufficient space for one doctor. The proposed opening hours are from 9.00 to 21.00. I note the proposal for an additional entrance for the shop along the private laneway, which I consider is excessive to serve a retail unit 46m² in size. I consider the extended opening hours and the use of this entrance directly opposite the bedroom of an adjoining residential dwelling and adjacent to the entrance of the apartment to the rear would attract additional customers along the private laneway increasing noise and disturbance. Therefore, I consider the proposed development would have a significant negative impact on the residential amenity of the occupants of both residential properties.

Visual Amenity

- 7.7. John Street radiates west from the south of Ardee town centre and this section of the road is a transitional area between the commercial use of the town and the residential area of the suburbs. There is a number of commercial properties on the opposite side of John Street which do not include the same characteristics as the northern side. There is a wide range of commercial premises within the town centre and along the start of John Street to the west. The dwellings along the immediate vicinity of the site have the style and character.
- 7.8. Elevational changes along John Street include an increase in the size of the window from 1.2m² to 3.2m² and a 1.8m² timber signage board with raised lettering. In addition to this a 1.8m² timber signage board is proposed along the elevation facing onto the dwelling to the west, along the private laneway. No details of proposed lettering have been provided and condition No 3 requires any additional advertising signs or devices erected on the premises to apply for a separate planning permission. The grounds of appeal argue the proposed changes have a negative

visual impact and condition No 3 is not sufficient to restrict further inappropriate development.

- 7.9. I do not consider the commercial premises on the opposite side of the road can be referred to as a comparable development as they are distinctly different in location and setting and are separated from the subject site by a main road. The range of style and finishes of the dwellings along John Street is distinctly residential and the inclusion of the doctors' surgery at this location had not altered the residential composition. I consider the increase in the size of the window is not in keeping with windows sizes and the existing characteristics of those single storey residential dwellings along either side of the site and I consider the proposed signage would detract from the residential characteristics along this residential section of John Street and have a serious negative impact on the visual amenity of streetscape.

Access and Traffic

- 7.10. The proposed development includes two car parking spaces to the rear of the site, which complies with the car parking standards of the development plan. Access is provided via the private laneway along the west of the site, directly past the entrance of the apartment unit to the rear and beside the livingroom window. Previous permissions on the site restricted the use of the car parking to the rear for the sole use of the apartment (Reg Ref 04.702) and car parking for the proposed surgery was not permitted (Reg Ref 04.703). I consider the conditions of the previous permission are reasonable to protect the residential amenity of the occupants of the apartment to the rear and I consider the use of the lane would endanger their public safety by use of a substandard laneway directly past the entrance of this dwelling unit.

Appropriate Assessment

- 7.11. The site is located 5.5km from the Stanbannan- Braganstown SPA, although having regard to the nature and scale of the proposed development within a serviced urban area and separation 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

The site is located outside Ardee Town Centre and is zoned as residential use with an objective “*to protect and/ or enhance existing residential communities and provide for new residential communities*” furthermore, part of the existing building is occupied as a residential unit. Having regard to the zoning objective, location of the site outside the town centre and proximity of residential properties it is considered the proposed retail use is not justified at this location and would seriously injure the amenities of property in the vicinity by reason of noise and disturbance. In addition, the proposed enlargement of the window and introduction of a shopfront would be visually incongruous in the existing residential streetscape. The proposed development would be contrary to the proper planning and sustainable development of the area

Karen Hamilton
Planning Inspector

02nd of May 2017.