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Bord  
Pleanála

## Inspector's Report PL93.248333

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<b>Development</b>	Permission for provision of a 24/7 external laundromat facility on garage forecourt
<b>Location</b>	Topaz Service Station, Glenville, Dunmore Road, Waterford.
<b>Planning Authority</b>	Waterford City & County Council.
<b>Planning Authority Reg. Ref.</b>	17/34.
<b>Applicant(s)</b>	Photo-me Ireland Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant permission subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eamon Halpin
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	4 <sup>th</sup> July 2017.
<b>Inspector</b>	Brid Maxwell.

## **1.0 Site Location and Description**

1.1. The appeal site has a stated area of 0.234 hectares and comprises a petrol forecourt located at Glenville on the Dunmore Road in Waterford City. The site is located within a mixed use area with residential development adjacent to the west and commercial retail to the east. Waterford Regional Hospital is located within 500m to the east.

## **2.0 Proposed Development**

2.1. The application involves retention permission for the provision of a 24/7 external laundromat unit facility. The facility incorporates three machines namely two washing machines and a dryer. The entire unit has a footprint of 9.6m<sup>2</sup> and is located towards the western end of the site adjoining a car parking area, the automated car wash and adjacent to the common boundary with a residential dwelling site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 16<sup>th</sup> March 2017, Waterford City and County Council notified of the decision to grant permission subject to 6 conditions including:

Condition 2. The external laundromat unit facility shall only operate between the hours of 08:00 and 22:00 daily.

Condition 3. Development Contribution €172.80.

Condition 4. Waste management plan to be agreed.

Condition 5. Developer to ensure all operations are carried out in a manner such that air emissions and / or odour shall not result in significant impairment or interference with amenities of the environment beyond the site boundary.

Condition 7. No advertisement or advertising structure without prior agreement of the planning authority.

### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

Planner's report recommends restriction of hours of operation from 8am to 10pm daily in the interest of residential amenity.

### 3.2.2. Other Technical Reports

Water Services Section report indicates no objection.

### 3.3. **Third Party Observations**

Submission from Gilian Dunphy T/A Rainy days laundrette, Eamon Halpin (the appellant) and a number of named residents of Glenville object on grounds of negative impact on residential amenity arising from odour, night time disturbance, anti-social behaviour. It is alleged that there has been an increase in break-ins in the area since the establishment of the laundrette. Other concerns relate to congestion, environmental impact, refuse, fire hazard, water pollution, health hazard and negative impact on property values.

### 4.0 **Planning History**

**04/500305** Permission for change of use from ancillary space to retail space, internal alterations and modifications, construction of new solid fuel storage compound, alterations and additions to existing facades and associated ancillary works.

**00/509111** Permission for Petrol Filling station, tyre sales outlet.

**00/509449** Permission for environmental compound.

**98/500309** Permission refused for internal alterations and minor changes to façade of existing shop building.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

The Waterford City Development Plan 2013-2019 refers. The site is zoned A General Business, the objective "To provide and improve General Business Uses."

Section 12.54 set out that “*general business zoning makes provision for a limited expansion of commercial development outside the city centre and to facilitate neighbourhood centre expansion or new neighbourhoods.*”

## 5.2. **Natural Heritage Designations**

The site is circa 200m south of the Lower River Suir SAC.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The appeal is submitted by Eamon Halpin, 1 Glenville, Dummore Road Waterford. Grounds of appeal are summarised as follows:

- Significant negative impact on residential amenity arising from odour, late night disturbance
- Traffic and Litter.
- Development will threaten viability of established laundry businesses.
- Insufficient parking, inadequate refuse facilities.
- Negative environmental Impact.
- Anti-social behaviour. Increased burglaries since the establishment of the facility.
- Fire hazard.
- Disease and health hazard.
- Precedent for further such development.

### 6.2. **Applicant Response**

The response on behalf of the first party is submitted by Gerard Hannify and is summarised as follows:

- The Revolution laundry includes a high quality non bio hypoallergenic detergent as part of the vend price. The detergent is of high quality and is odourless with no chemical additives. No softeners are used in the machine.
- A timer will be placed on the machine to shut down operations after 11pm.
- CCTV cameras prevent loitering or antisocial behaviour.
- Allegations regarding increased break ins unsubstantiated and unfounded.
- Laundry provides a valuable accessible and economic service to the community - noting proximity to Waterford General Hospital.
- Smoking around petrol station prohibited.
- Two dedicated parking spaces adjacent to the laundry machine - adequate based on an average of 10 customers per day.
- Waste effluent from the facility is disposed to the foul drain.
- Refuse bin will be provided on site.
- Machines certified to highest CE manufacturing and operating standards. All machines receive weekly maintenance visit which covers the removal of lint build up. Location complies with the required safe distance from designated forecourt ATEX area.
- Wastewater discharged directly to foul drain. Machine is fitted with foul trap to remove the back flow of water / odour.
- No impact on property values.
- Risk of vandalism is minimised by design and siting.
- Appeal is based on unsubstantiated assumptions and allegations.
- The provision of such facilities at convenient locations provides obvious benefit to local communities.

### 6.3. Planning Authority Response

The planning Authority did not respond to the appeal.

## 7.0 **Assessment**

- 7.1. I consider that on the basis of the scale and nature of the development significant disturbance to the residential and other amenities of the area in terms of noise, odour, traffic and other nuisance is not likely. I note that the third party appellant provides no evidence to support an allegation of an increase in the number of break ins in the area concurrent with the establishment of the laundromat facility on the site. In any case I consider that the potential for any such link to be implausible. The first party has indicated a willingness to restrict operation hours to between 08:00 hours and 22:00 hours daily in the interest of residential amenity. Having regard to the scale of the facility I consider that the impact on the immediate area is not significant and subject to a good standard of management no significant issues arise in terms of environmental or health and safety impact. As regards the impact of the facility on established laundry facilities in the area I note that the restriction of competition or protection of an existing monopoly is clearly not the purpose of planning regulation.
- 7.2 I consider that the development proposed for retention enhances the retail services offer on the site and is not significant in scale in terms of additional traffic generation. On this basis I consider that the development proposed for retention is in accordance with the proper planning and sustainable development of the area. As regards servicing, having regard to the nature of the development and on the basis of the technical reports of the planning authority on the appeal file no issues arise in relation to servicing.
- 7.3 Having regard to the nature of the facility I consider that a permission for a period of 5 years is reasonable to enable the impact of the development to be re-assessed having regard to changes in technology and design during the specified period.
- 7.3 On the issue of Appropriate Assessment having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a petrol forecourt and fully serviced location, no appropriate assessment issues arise.

7.4 Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the objectives of the Waterford City Development Plan 2013-2019 and that there will be no undue impact on the amenities of the locality. I recommend that the decision of Waterford City and County Council be upheld and permission granted for the reasons and considerations set out below and subject to the conditions attached.

### REASONS & CONSIDERATIONS

Having regard to the zoning objectives for the area and the pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the development proposed for retention will not unduly impact on the amenities of the area or property in the vicinity and is therefore 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. This permission shall apply for a period of five years from the date of this order. The structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

**Reason:** To enable the impact of the development to be re-assessed, having regard to changes in technology and design during the specified period.

3. The hours of operation shall be between 08:00 and 22:00 hours daily.

**Reason:** In the interest of the residential amenities of property in the vicinity.

4. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this order.

**Reason:** In the interest of public health and to protect the amenities of the area.

5. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

7. No advertisement or advertisement structure (other than those shown on drawings submitted with the application) shall be erected or displayed on the structure (or within the curtilage of the site in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.



8. 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Bríd Maxwell  
Planning Inspector

14<sup>th</sup> July 2017