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Pleanála

## Inspector's Report ABP-300430-17

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<b>Development</b>	Temporary retention of steel building for use as store/car valeting in conjunction with existing service station
<b>Location</b>	Rocklands Service Station, Rocklands, Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20170272
<b>Applicant(s)</b>	Patrick Kinsella
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Applicant vs Refusal
<b>Appellant(s)</b>	Patrick Kinsella
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> February 2018
<b>Inspector</b>	Hugh Mannion

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## **1.0 Site Location and Description**

- 1.1. The appeal site is occupied by a Topaz garage accessed from the R730 and is about 2kms south of Wexford town centre. South of the site the R730 has a roundabout junction with the N25 which in turn terminates in Rosslare Harbour. Along with the fuel pumps there are three principal structures on site; the retail shop/deli, a double door 'kingspan' shed on the northern end of the site and the five door with roller shutters building the subject of this application on the southern edge of the site.
- 1.2. Immediately south of the site is a grassed area which appears to be associated with a house which has access to the Rocklands cul de sac to the north of the site. South of this grassed area is a large veterinary practice. Immediately north of the appeal site is another open area which is unsightly and has been subject to some fly tipping. Beyond this to the north is the combined vehicular/pedestrian access to houses in 'Rocklands'.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the temporary retention of a steel building for use as stores, car valeting in conjunction with the existing service station at Rocklands, Wexford, County Wexford.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused permission as follows;

- Insufficient information has been submitted to assess the noise impact of the combined car wash and car valeting business.
- The proposed development will negatively impact in houses in the area.

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

#### 3.2.1. Planning Reports

The initial planner's report recommended further information as follows;

- Clarification as to if the car washing is to be carried out within the steel structures.
- Submit a revised site boundary to include the car parking associated with the development.
- Revise the public notice to clarify if the car wash business is to be continued on site.

#### 3.2.2. Other Technical Reports:

The **Senior Executive Scientist** recommended permission subject to conditions, including a condition limiting noise emissions.

**Another Report** (its unclear which department provided it) dated 21 April 2016 stated that the sightlines were adequate and that surface water arising within the site should be collected within the site.

### 3.3. **Prescribed Bodies**

There are no reports from prescribed bodies.

### 3.4. **Third Party Observations**

3.5. There was a submission to the planning authority relation to noise and light pollution to neighbouring residential uses in 'Rocklands'

## 4.0 **Planning History**

W2009114 Permission granted for retention of steel buildings for use as store, car valeting, puncture repairs.

20041286 Permission granted to retain portacabin.

20041270 Permission for forecourt extension

20020100 Permission for office extension refused.

20010851 Permission for use of site for car sales refused.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is zoned 'residential medium' in the Wexford Town and Environs Development Plan 2009-2015 (which had its lifetime extended to 2019).

Table 41 at section 18.29.9 in the Wexford County Development Plan 2013-2019 sets out design standards for petrol filling stations.

### **5.2. Natural Heritage Designations**

See AA screening section below.

## **6.0 The Appeal**

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

- This filling station has been operating for 20 years. The shed proposed for retention have been previously used for purposes ancillary to the permitted use on site.
- There is a problem with noise specifically arising from the use of high pressure water lances. It is possible that alternative solutions such as rearranging the site could overcome this.
- The primary purpose of the application is to regularise the sheds on the southern end of the site since the 7-year permission under W2009114 expired.
- The purpose of limiting the redline boundary to the shed was to specifically exclude the car washing activity which does not need a planning permission.
- The planner's report accepts that the petrol filling station is an established use and the car washing activity has been operating since 1990.

## 6.2. **Planning Authority Response**

- The applicant has not proposed noise mitigation measures to protect the amenity of nearby houses.

## 6.3. **Observations**

- There are no observations.

## 6.4. **Further Responses**

There are no further responses.

## 7.0 **Assessment**

- 7.1. The site is zoned low density residential development in the Wexford Town and Environs Plan and petrol stations are not permitted in the zoning matrix attached to the land use zoning map. The existing station is, therefore, an existing non-conforming use. The planning authority previously granted a temporary planning permission for 7 years from 22 December 2009 for the retention of this shed with use as valeting and puncture repairs. The applicant in the grounds of appeal makes the point that the present application is to regularise the situation as it pertains on site at present.
- 7.2. Interpreting the initial request for further information it is the case that the planning authority's concerns arise from the proximity of the site to residential uses and the capacity of the uses on site to injure residential amenity, especially from noise. The planning authority sought noise abatement measures. The applicant responded that application is restricted to the shed along the southern edge of the site outlined in red in the application documents for the use as car valeting. The applicant makes the case that car washing takes place on site and is not part of this application and that the shed on the northern boundary would be removed and with it would go the permitted uses as car servicing and tyre repair.
- 7.3. On the day of my site inspection the shed on the northern boundary of the site appeared to be closed and unused. Car washing is taking place essentially behind the shop/deli along the western site boundary. The western boundary is defined by a

2m high wall capped and rendered on the application site and behind that on the adjoining residential property is a line of what look like immature cypress leylandii. The signage on site conflates car valeting and car wash without the clear distinction between those two activities which the application/appeal documents draw. The shed proposed for retention in one section provides storage for domestic gas bottles and bags of solid fuel.

- 7.4. I conclude that the applicant is entitled to make an application for the retention of the shed as outlined in the application and that if there are unauthorised uses taking place within the site that the planning authority has separate powers to address that issue. The shed is not visually intrusive and appears as part of the overall development in streetscape terms. The noise on site is far more likely to arise from the car washing, tyre repair and car servicing than from car valeting. Other activities within the site may impact on the amenity of the adjoining residential uses but it is my view that the relatively modest scale of the building the subject of the application used for valeting of cars without power washing will not unreasonably impact on adjoining property because of noise or seriously injure the amenity of these residential uses.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing I recommend a grant of permission subject to conditions.

## **9.0 Reasons and Considerations**

Having regard to the location of the application site on the main southern approach to Wexford Town centre, to the planning history of the site and the modest scale of the proposed development it is considered, subject to compliance with conditions set out below, that the proposed development would not be visually intrusive or seriously injure the amenity of residential property in the vicinity and would otherwise accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of April 2017 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. The building the subject of this application shall be used only for storage purposes incidental to the adjoining petrol station use and for the valeting of motor cars. The building shall not be used for car washing, car repair, tyre repair or for the sale or display of motor vehicles.

**Reason:** In the interest of protecting the residential amenities of the area.

3. This permission shall cease to have effect 5 years from the date of this order.

**Reason:** To allow the planning authority to assess the impact of the proposed development having regard to the nature of the development and its location close to residential uses.

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Hugh Mannion  
Senior Planning Inspector

8<sup>th</sup> March 2018