



An  
Bord  
Pleanála

## Inspector's Report ABP-301628-18

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<b>Development</b>	Permission to install a static bus wash unit to the north of the site utilising connections to the mains sewerage and water mains and all associated works.
<b>Location</b>	Magheross, Carrickmacross, Co. Monaghan.
<b>Planning Authority</b>	Monaghan County Council.
<b>Planning Authority Reg. Ref.</b>	18/15
<b>Applicant(s)</b>	Danny Collins.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peadar Gilsean.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2018
<b>Inspector</b>	D. M. MacGabhann.

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## 1.0 Site Location and Description

1.1. The c.0.021ha appeal site lies to the south of Carrickmacross Town. It is situated between two county roads linking Carrickmacross to Ardee and Drumconrath. To the north of the site is a small public amenity area. To the east of the site is a small stream running along its eastern boundary. To the east of the stream are two rows of substantial mature trees separating the site from an adjoining residential dwelling. To the west are a small number of detached houses, on the western side of the public road. These are elevated above the appeal site, due to the topography. To the north west is a commercial building (currently available to let), directly adjoining the site, and a disused petrol station and car wash.

## 2.0 Proposed Development

2.1. The proposed development, as revised by way of further information received on the 20<sup>th</sup> March 2018, comprises a static bus wash unit. It is proposed to the north of a wider landholding which has permission for a private bus depot (office, store, bus wash facility and parking area), previously granted under PA ref. 17/331. The static bus wash unit replaces the power wash facility previously proposed to wash buses. It comprises a vertical (drive through) wash unit and concrete bay, with silt trap and petrol interceptor. The unit will be connected to a group water scheme and to the public sewer. Access to the site and parking arrangements for cars and buses will remain unchanged.

2.2. In response to the request for further information, the applicant states that the bus wash will operate as follows:

- 11 buses daily Monday to Friday between 6pm and 10.30pm.
- 5 buses every Saturday between 6.30pm and 10.30pm.
- 5 buses every Sunday between 6.30pm and 11.55pm.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 16<sup>th</sup> April 2018, the planning authority decided to grant permission for the development subject to 8 no. conditions. Most are standard. Condition no. 2 limits hours of operation to between 7am and 11.00pm, 7 days/week. Condition no. 5 controls the discharge of water from the site during construction and operation. Condition no. 7 requires the new yard, turning, parking areas etc. detailed under PA ref. 17/331 to be laid out prior to the first use of the development.

### 3.2. Planning Authority Reports

#### Planning Reports

- 3.2.1. There are two planning reports on file. The first report (12<sup>th</sup> March 2018), refers to the characteristics of the site, its planning history and submissions received. It considers that the principle of a bus depot on the site was established under PA ref. 17/331 and concludes that it is reasonable to install a bus wash unit to serve the permitted depot. However, it recommends further information regarding operating hours. The report considers the matter of appropriate assessment and states that this is not required by virtue of the distance of the site from European sites and the absence of significant watercourses/pathway connectors in the vicinity.
- 3.2.2. The second report (12<sup>th</sup> April 2018) recommends granting permission for the development subject to condition, including that the hours of operation are limited to no later than 22.00 on any night, in the interest of all parties.

#### Other Technical Reports

- Environmental Report – Refers to the location of the site within an area of High Groundwater Vulnerability over a Regionally Important Aquifer and in proximity to Tullynaskeagh River, which flows in a northerly direction adjacent to the eastern boundary of the site. Tullynaskeagh River enters the River Prouels with 'Poor' water quality status under the WFD and is within the Areas for Action under the River Basin Management Programme. It states that stream protection during construction stage is essential. The report

refers to the planning permission granted for a concrete base for a bus wash and a sewer and mains water connection under PA ref. 17/331 and the proposal to recycle all soiled water in the buswash, with excess wastewaters discharged to the sewer via a pump station close to the site. The report raises no objections to the development, subject to stated conditions, including provision of riparian buffer zone, installation of bypass filter, adequate precautions during construction to prevent silt laden waters entering the surface water body (see report for details).

- Irish Water – No objections, subject to condition.
- Water Services – No objections, subject to condition.

### **3.3. Prescribed Bodies**

3.3.1. None.

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

3.4.1. There is one third party observer (the appellant) who objects to the proposed development on the grounds of noise, having regard to the proximity of nearby dwellings/future dwellings and the use of the unit at night time. It states that the unit should be enclosed in a soundproof house or surrounded by a sound barrier to protect local residents from noise at night time.

## **4.0 Planning History**

4.1. Under PA ref. 17/331 planning permission was granted for a private bus depot on the and wider landholding and a concrete bus wash bay in the location of the appeal site, with washing to be carried out by a mobile power washer. The permission was subject to 11 no. conditions. Condition no. 5 sets out measures to be taken to prevent pollution of the adjacent watercourse. The planning authority's assessment of the application includes a flood risk assessment and appropriate assessment.

## **5.0 Policy Context**

### **5.1. Monaghan County Development Plan 2013 to 2019**

- 5.1.1. The appeal site lies within the development envelope of Carrickmacross Town and is zoned for Industry/Enterprise/Employment.

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

- 5.2.1. No European sites lie within 15km of the proposed development. However, a number of proposed Natural Heritage Areas lie within the vicinity of Monaghan Town, including Lough Naglack to the north east of the appeal site (see attachments). The watercourse which runs along the eastern boundary of the site, discharges into this waterbody.

## **6.0 The Appeal**

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

- 6.1.1. The third party appellant objects to the development on the grounds of impact of noise on residential amenity and value of the property. (I would infer from the information on file the appellant's property lies to the east of the appeal site). He states that he is familiar with the static bus wash units and inspected a competitor's unit and considers that the sound emanating from the unit will disturb his residence and create an excessive nuisance for him, his family and other residents of the community. The appellant also states that the permission for the development does not limit the number of buses to use the unit (hourly/weekly/monthly) and that during construction work, the development will create unnecessary nuisance. Again, the appellant calls for a sound poof surround/barrier to protect against noise.

### **6.2. Applicant Response**

- 6.2.1. The applicant makes the following comments on the appeal:
- The proposed development is consistent with the zoning of the site (Industry/Enterprise/Employment use).

- Full planning permission was granted for a bus depot on the site under PA ref. 17/331. It included a small power washer cabin to the north of the site and a concrete base for a bus bay.
- Buses are washed on the opposite side of the Drumconrath Road, on the site of the applicant's family home, which is 12m from the bus depot site. The proposed bus wash will be quicker (2.5 minutes compared to 10 minutes to complete a bus wash) and quieter (8x) than the existing power wash system. The development will result in substantial time savings for daily washing of coaches (see table on page 2 of submission).
- The boundary between the appeal site and the appellant's property is separated by two rows of very mature trees and a small river, which will help prevent any unwanted excess noise from passing through (see attached images). The static bus wash will be c.100m from the appellant's property and will be barely audible from the property.
- No other appeals have been made in respect of the development. There are limited dwellings near the site.
- Construction work will create unnecessary nuisance, however, this is not applicable to the proposed development as permission has already been granted for the bus depot site and works as per PA ref. 17/331.
- The owners of the bus wash facility visited by the appellant live 30m from it and do not hear it from inside their house.

### **6.3. Planning Authority Response**

6.3.1. There is no response to the appeal by the planning authority.

### **6.4. Observations/Further Responses**

6.4.1. None.

## 7.0 Assessment

7.1. Having regard to the nature of the proposed development, the planning history of the appeal site and the submission on file, I consider that the key matters to be addressed in this appeal are confined to the matters raised by the appellant and are:

- Noise and hours of operation.
- Impact on amenity and property values.

### 7.2. Noise, Hours of Operation and Impact on Amenity and Property Values

7.2.1. Under PA ref. 17/331 permission was granted for the use of the wider landholding as a bus depot, with permission to power wash buses on a concrete base in the location of the appeal site. There is no technical information on file regarding the noise associated with the operation of the permitted power wash. However, in response to the appeal, the applicant states that the current power wash which is used to clean buses is powered by a diesel engine and is therefore quite noisy, c.100dB. In comparison he states that the proposed static bus wash is powered by electricity and has a noise of c.60dB at 10m. Given the difference in power source, I would accept in principle, that the proposed static unit is likely to be quieter than any diesel generated power wash system. I would consider, therefore, that the proposed bus wash system would therefore be quieter than that currently granted planning permission. Further, I note that the proposed wash time of the static unit is significantly shorter than the mobile system granted permission.

7.2.2. Whilst there is no change in the location of the bus wash, the proposed static bus wash would be located c.100m from the appellant's property and separated from it by two substantial rows of mature trees. Other nearby residential properties would be removed from the bus wash facility by a similar distance. Condition no. 2 of the permission restricts operation of the bus wash to between 7am and 10 pm, 7 days a week and usage of the facility, as set out by the applicant in response to the request for further information (dated 13<sup>th</sup> March 2018) is relatively modest i.e. 11 buses daily Monday to Friday and 5 buses every Saturday and Sunday.

7.2.3. Having regard to these factors, i.e. the likely reduction in noise levels with a static, electricity powered bus wash, shorter wash time, distance from adjoining property,



separation by substantial vegetation, restrictions on operating hours and relatively modest levels of use, I do not consider that noise emanating from the proposed static bus wash is likely to be greater than the permitted power wash facility or to substantially detract from the amenity or, therefore, value of the adjoining property. The Board may wish to consider attaching a standard operational noise condition, however, given the relatively modest level of activity and the other factors set out above, I consider that this is not necessary. (In the unlikely event of significant noise levels arising, the matter could be addressed by the local authority under powers set out under other codes).

### **7.3. Nature Conservation/Appropriate Assessment**

- 7.3.1. As stated, permission for the bus depot and bus wash facility has been granted under PA ref. 17/331. The development includes the installation of a silt trap, interceptor and holding tank for the recycling of washwater, with outlet to the public sewer. The permission is also subject to conditions to ensure that construction works do not give rise to pollution of the adjacent watercourse.
- 7.3.2. The proposed development in effect changes the type of bus wash facility on site. However, the concrete base and interceptor unit, and arrangements for discharge to the public sewer remain as per that granted under PA ref. 17/331. Subject to the satisfactory implementation of these measures, and to appropriate arrangements for construction (to minimise impacts on the adjoining watercourse), which are matters that can be addressed by condition, I do not consider that any adverse impacts on the adjoining watercourse or downstream waterbodies will arise.
- 7.3.3. With regard to appropriate assessment, having regard to the nature of the proposed development, which includes arrangements for the discharge of washwater to the public mains, and the distance of the site from the nearest European sites, 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 a European site.

## 8.0 Recommendation

- 8.1. Having regard to the above, I recommend that permission for the proposed development be granted subject to condition.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the parent permission granted under PA ref. 17/331 and the nature of the proposed development, which comprises an alternative means to wash buses on site, which will be powered by electricity and provide a shorter wash cycle, the distance of the development from adjoining residential property, the substantial vegetation to the south of the site and the modest use of the facility, it is considered that the proposed development, subject to compliance with the conditions set out below, would not give rise to an unreasonable level of noise or detract from the residential amenity or value of property in the vicinity of the site. The proposed development would, therefore, be in accordance 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 20<sup>th</sup> day of March 2018, 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. Prior to the utilisation of the static bus wash, the new yard, turning, parking areas and arrangements for access and site drainage, under parent permission PA ref. 17/331, shall be put in place and maintained thereafter.

**Reason:** In the interest of orderly development, visual amenity and public health.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including provision of a riparian zone to be maintained from the edge of the adjoining watercourse and means to protect surface water body, hours of working, management of construction traffic, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Water supply and 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 bus wash unit shall only be used between 07:00 hours and 22:00 hours, 7 days/week.

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

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 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.

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Deirdre MacGabhann

**Senior Planning Inspector**

23<sup>rd</sup> July 2018